

25-5473 ORIGINAL

Samreen Riaz,
1534 S Manzanita street
Visalia, California 93292
Tel no: 951-373-0229
Petitioner, pro per litigant

Supreme Court, U.S.
FILED
JUL 31 2025
OFFICE OF THE CLERK

NO: _____

IN THE SUPREME COURT OF THE UNITED STATES

Samreen Riaz
Petitioner,
vs.
The State of California et al and Steven M. Cantrell, MD
Defendant

1. Supreme Court of California
350 McAllister Street.
San Francisco, CA 94102-4797.
415-865-7000.
RESPONDENT

Supreme Court Of California: S291238

(Ammended) **On Petition for Writ Of Certiorari To The California Supreme Court**
Petition for Certiorari

. Question Presented :

A: Whether the California Supreme Court's July 23, 2025 denial of writ petition in Case No. S291238—stemming from unresolved jurisdictional conflicts and constitutional violations in Case No. F087849, including premature remittituir issuance, erroneous opinion date (December 2, 2024 vs. actual February 3, 2025), and clerical rulings in related cases (S290544, S289777,)—violates the appellant's rights to due process and equal protection under the Fourteenth Amendment by obstructing judicial review of material errors?(Exhibit A)

B: Did 5th district court was in error, bias or abuse discretion when it gave opinion on appeal in a case No: F0870504 and posted Incorrect Date on Opinion When Opinion Not Issued on 12/2/24 and when opinion given on feb 3 25 ?(see exhibit B)
C: Did 5th district in error when Issued Invalid Remittituir on feb 3 25 when opinion never issued or served on on 12 2 24 therefore marked the inaccurate and false date of Finality for Enforcement? **D:** Did 5th district issue the waiver of oral argument in this case and the matter stands submitted as of the date of this order on 12/2/24? in violation of 14th amendment amendments,due process) (Exhibit B).
D: Did the lower courts err in failing to resolve jurisdictional conflicts and procedural irregularities, including the issuance of orders without proper notice or adherence to due process?

C: Whether the Tulare Superior Court showed error, bias and abused its discretion in the ruling on Dec 5 23 ? (record on appeal 4051-4062) , Nov 15 23 ? (record on appeal 3398-4003) and a ruling on August 22-23, Anti Slapp Motion?(record on appeal 2774-2789) and entering judgment on 11/30/25? (Exhibit C)

D: Did Dental Board of California, department of consumer affairs, state of California made erroneous and abuse of discretion in Order Denying Order on reconsideration Petition issue on 21st day of August 23 (record on appeal 4208-4210) based on Petition reconsideration Aug 16 2023?id ophthalmology pat Compensated under imminent domain (see Boom Co. v. Patterson (1879) when deprived of property or for economic injury? (Exhibit D)

E: Did the Administrative judge make abuse of discretion and erroneously Propose decision and Order (dated June 20th 2023) based on Accusations that were brought on Aug 17 22?(record on appeal 4122-4127,4128-4131)

(Exhibit E)

F: Did Dental Board of California, department of consumer affairs, state of California made erroneous and abuse of discretion when issued Order compelling mental and physical examination(bus and prof code S820) on 06/24/22 based on Petition to compelling mental and physical examination(bus and prof code S820) filed on 06/24/22 ?(record on appeal 4258-4265) (Exhibit F)

G: Did Dental Board of California, department of consumer affairs, state of California made erroneous and abuse of discretion when issued further "Notice of revocation due to non compliance with the evaluation" on Oct 13 23 while pending WRIT OF MANDATE(1084-1097) ((ORDER -F086809)at the 5th District Court?.(4064,4063,4068-4069)

H: Did Dental Board of California, department of consumer affairs, state of California made erroneous and abuse of discretion when issued further "Notice of revocation due to non compliance with the evaluation" on Oct 13 23 while pending WRIT OF MANDATE(1084-1097) ((ORDER -F086809)at the 5th District Court?.(record on appeal 3982-3985 , 4064,4063,4068-4069) Did the lower courts err in failing to resolve jurisdictional conflicts and procedural irregularities, including the issuance of orders without proper adherence to due process?

I: Did the actions of the defendants, including alleged breaches of patient confidentiality and retaliatory conduct, constitute violations of the plaintiff's civil rights under 42 U.S.C. § 1985, S371, 18 U.S.C. § 1512, and 18 U.S.C. § 241?

J: Did the lower courts demonstrate bias or abuse of discretion in their rulings, including the denial of motions to disqualify judges and the failure to address conflicts of interest?

H: Does the case raise significant public policy concerns regarding the protection of whistleblowers and the rights of individuals to participate in court proceedings without fear of retaliation?

I: Does the legal framework support claims of medical malpractice, professional negligence, antitrust violations, breach of fiduciary duty, and retaliation under federal and state laws, including the Sherman Antitrust Act, California's Unfair Competition Law (UCL), and 42 U.S.C. § 1983, given the factual and procedural context alleged?

J: Were the plaintiff's constitutional and civil rights, including First and Fourteenth Amendments and privacy rights, violated through alleged misconduct, conspiracy, and procedural irregularities by the defendants?

K: Is the plaintiff entitled to remedies, including compensation and injunctive relief, for harm caused by defamation, fraud, retaliation, and violations of due process and equal protection under state and federal laws?

Suggestive Answer: YES

Certificate of Interested Entities or Persons:

Certificate of Interested Entities or Persons: Pursuant to Rules 8.208 and 8.488 of the California Rules of Court, the undersigned identifies the following interested entities or persons per rule 8.208. .

APPEARANCE FOR Defendant and Respondent :

The Dental Board Of California/Department OF Consumer Affairs/State OF California 2005
Evergreen street Suite 1550 Sacramento , California 95815.

Department Of justice 1300 I street .Suite 125 Sacramento,CA 95815 Jamil Radwan Ghannam Carrie.
Vue@doj.ca.gov Jamil.Ghannam@doj.ca.gov

Steven M. Cantrell, MD Abigail R Leaf Salinas Law Group 8405 N Fresno St., Ste. 150 Fresno, CA
93720 rsalinas@salinaslg.com aleaf@salinaslg.com

APPEARANCE FOR Defendant and Respondent Severo PLC,

500 north central avenue Street , Glendale , ca 91203
raoul@severolegal.com,lawrencelaroccalaw@gmail.com mario@severolegal.com,mario@thebulldog.law
(The Bulldog Law)

McDonalds: 1401 E Noble Avenue,Visalia, California 93292 Mc Donald's Corporate Off RLMK c
onald's Management Office Phone: (559) 738-8588 Address: 7043 W Pershing Ct, Vi e ice 93291 (559)
627-2318 email address: CustomerCare@ext.mcdonalds.com,officestaff@cvmcdrg.com

City of Visalia: HERR PEDERSEN & BERGLUND LLP Attorneys at Law 100 Willow Plaza, Suite 300 3
Visalia, California 93291 Telephone: (559) 636-0200 rberglund@hpblaw.net,ccurtiss@hpblaw.net

Dated:

8 21 25

By: Samreen Riaz

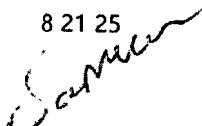


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IN THE SUPREME COURT Of THE UNITED STATE PETITION FOR WRIT OF CERTIORARI :

TO THE HONORABLE JUSTICES, Plaintiff is filing a writ of certiorari (Rule 10(a)) in the SUPREME COURT Of THE UNITED STATES as a matter of right of judicial discretion from the order given by supreme court of California S291238 (dated July 23 25) based on 5th district opinion on appeal given on feb 3 25. Appellant in this petition raising questions regarding crucial jurisdiction issues and requesting judges to establish jurisdiction issues among parties. Appellant is alleging error and bias by the Supreme court of California in error, abuse discretion and show bias in striking Petition (S289777) review on March 28 25 without resolving jurisdiction conflict arising from the 5th District Court's improper handling of case No. F0870504, including posting an incorrect date (December 2, 2024) in its opinion, issuing a remittitur based on the inaccurate date, all in violation of the Fourteenth Amendment's due process protections. (opinion attached as Exhibit A) . Appellant is alleging error and biased by the 5th district court when typed dec 23 24 date on opinion when opinion was served and issue first time to petitioner on feb 3 25 attached with remittitur .therefore invalid remittitur issued in error (as remittitur cannot be issued the same date as opinion) as well date of opinion dec 23 24 is typed in error and need to be corrected. 5th district typed wrong and incorrect date of 12/2/24 on the opinion when opinion not issued on 12/2/24 and was never served on 12 2 24 to appellant /ophthalmology patient who did not violate dental practice act. Facts are On 12 2 24 appellant only received "ORDER " regarding parties "implied agreement to waive oral argument" stating "The court approves the waiver of oral argument in this case and the matter stands submitted as of the date of this order." which further established that the opinion not issued on 12/2/24 and an extraordinary attempt made to commit fraud , violate due process right of the appellant . The Issuance of Remittitur on Feb 3 25 which is erroneously marks the finality of a court decision when decision is issued on 12/2/24, therefore cannot be essentially utilized to lock errors and unjust conclusions made by the 5th district court, therefore appellant can further appeal and expect corrections in order to prevent violation of due process. Appellant is filing petition for writ of certiorari because supreme court struck petition review without addressing jurisdictional conflicts or factual disputes, it raises substantial legal questions that will impact future cases. Certiorari allows higher courts to review such matters to ensure consistency in legal interpretation. The petitioner requests the court to clarify the authority and role of the California Supreme Court clerk, specifically addressing potential violations of judicial protocol as well as due process arising from the issuance of rulings regarding the unfilling of the petition review on jurisdictional matters, false fact-finding, and other issues on March 2, 4, and 12, 2025, allegedly without the input of the Supreme Court judges. The Supreme court failed to recognize that an order issued in violation of 14th amendment , due process violation and without discussing jurisdiction issues without providing any legal authority undermines the right to procedural fairness and transparency .Decisions rendered without referencing applicable laws or precedents lack the foundation required to substantiate their legality and enforceability. This omission not only violates principles of due process but also undermines confidence in the Court's adherence to legal standards and the rule of law. By failing to address or resolve the jurisdictional conflicts present in the case, the Court acted outside of its authority. Without jurisdiction, any decision rendered is void and constitutes an abuse of power. Complaint in the case vcu298300 filed in the tulare superior court on May 15 2023 before Order Denying Order on reconsideration Petition issue on 21st day of August 23 based on Petition reconsideration Aug 16 2023 as well as before Dental Board of California, department of consumer affairs, state of California made erroneous and abuse of discretion in Decision And Order(dated August 2nd 23) based on the administrative judge's proposed decision and Order (record on appeal 4208-4210) (dated June 20th 2023) based on Accusations that were brought on Aug 17 22 (record on appeal 4122-4127,4128-4131) .it was also filed before Dental Board of California, issued further "Notice of revocation due to non compliance with the evaluation" on Oct 13 23 while pending this complaint as well as WRIT OF MANDATE(1084-1097) ((ORDER -F086809) at the 5th District Court?.(4064,4063,4068-4069). Therefore Appellant is seeking for Remedies and Relief: **Of Vacating Erroneous Orders:** to vacate the August 2, 2023, decision and order, the June 20, 2023, proposed decision, and the October 13, 2023, notice of revocation based on procedural and substantive errors. Also requesting to Judicial Review: The writ of mandate filed in the 5th District Court (F086809) for adherence to legal standards and procedural fairness. **Seeking Compensation for Harm:** If the petitioner suffered economic injury or reputational harm due to these actions, compensation may be warranted under relevant legal provisions.

Complaint vcu298300 filed after Dental Board of California, department of consumer affairs, state of California made erroneous and abuse of discretion when issued Order compelling mental and physical examination(bus and prof code S820) on 06/24/22

based on Petition to compelling mental and physical examination(bus and prof code S820) filed on 06/24/22 (record on appeal 4258-4265).therefore appellant is requesting relief from the court to **Vacate the Order Compelling Mental and Physical Examination** issued on June 24, 2022, as it was issued without jurisdiction, due process, or legal authority, **Reverse All Related Decisions**:The administrative judge's proposed decision and order., The Dental Board's adoption of the proposed decision.**Restore the Petitioner's Rights**:Reinstate the petitioner's professional license and clear their record of any adverse findings.**Provide Injunctive Relief**:Prevent the Dental Board from taking further retaliatory or discriminatory actions against the petitioner. **Compensate for Damages**: Award compensation for economic injury, reputational harm, and emotional distress caused by the Board's actions. Tulare superior court, 5th district and supreme court failed to recognize that Proceeding occur under administrative board and dental board/consumer board were without jurisdiction, with no legal authority in violation of **Article III of the Constitution**, initiated on Ophthalmology Patient by obtaining an inadmissible privileged information(without consent and knowledge of her patient) from patient ophthalmologist by breaching Ophthalmology Patient/consumer/member patient Privacy Rights Act of 2020 (CPRA),Health Insurance Portability and Accountability Act of 1996 (HIPAA). Medical Information Act (CMIA -violation of California's Health & Safety Code §1364.5 as well as in violation of 3.1.1,3.2,3.3 Chapter 3 opinion on privacy, violation of confidentiality and medical record AMA principles of Medical Ethics I, IV, without serving petition of intrusive mental exam (unConstitutional, violation of ArticleI, section 1 of the Ca Constitution, violated Universal Citation: CA Civ Pro Code § 473.5 (2020) (a)) to an ophthalmology patient before issuance of order, further disregarding Ophthalmology Patient/consumer/member of Public motion to vacate , strike/demurrer (which was never heard) on mental exam(due process violation and equal protection violation,**Article 6: Administrative Adjudication Bill of Rights (§ 11425.10) violation**) and deprived Ophthalmology Patient from chance proceeding.Judge Sean Gevin made erroneous finding/ ruling based on bus and prof code S1601.2 of dental practice act when Judge Sean himself established established that Ophthalmology Patient/consumer/member patient did not violate dental practice act (no jurisdiction). Above acts are in violation of the **7th,4th,14th,5th 1st Amendment Rights of Ophthalmology** Patient/consumer/member of Public .Judge hillman failed to withdraw despite the appearance of bias and personal interest involved in the controversy of this case and violated constitutional due process rights of Petitioner/ ophthalmology patients (**Catchpole v. Brannon**)..Petition is presenting a **question of law** for the Us Supreme court on issues of public, government, constitutional importance, public right, equal right, civil rights violations, , racial justice and Petitioner/Ophthalmology patient right to petition the government without discrimination or performing public duty such as participating as witness in court proceedings without retaliation .and requesting the US Supreme Court to make a decision based on their individualized evaluation, guided by the principles of law. The lower courts has decided federal questions in a way or entered a decision in conflict with the other United States court decision in the same important matter.The Petitioner/Ophthalmology patient, consumer and public has special interest and Beneficial interest that can be protected through the WRIT.There is a question of law(De Novo) to this case for which the Supreme court makes an independent determination of the legal issues without giving deference to the lower courts opinions. The Entire evidence and record was not examined for fairness, reasonableness and proportionality in the overall scheme of the law.. Here the lower Court's decision is not within the realm of what a reasonable trier of fact could find.Lower courts failed to meet standard when presented **fabricated, disputed, speculative facts and concealed material relevant facts of record to reach (erroneous) decision** . Lower courts departed from the accepted and usual course of judicial proceedings.**Shelby County v. Holder and Citizens United v. FEC, the Courts.** Furthermore Petitioner/Ophthalmology Patient , Member of Public filed appeal F087504 in a 5th District Court based on ruling on Dec 5 23 ? (record on appeal 4051-4062) ,ruling on Nov 15 23 (record on appeal 3398-4003) and ruling on August 22-23, **Anti Slapp Motion**(record on appeal 2774-2789). Above decision of the supreme court of california , 5th district court , Tulare superior court, Administrative board as well as dental board of california is erroneous, abuse of discretion and biased and were outside the bounds of reason and made without consideration of all the circumstances presented before it and improperly resolved genuine issues of material fact and disregarded the evidence.**(Conspiracy to interfere with Civil Rights 42 USC §1985, 18 USC,\$371(conspiracy to defraud the united states), S1512(K) Conspiracy to obstruct official proceeding, 18 U.S.C.SS1512(C)(2),(attempt to obstruct official proceeding) ,18 USC S241(conspiracy against right)**

IN THE SUPREME COURT OF THE UNITED STATES PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully request that writ of certiorari issued to review the judgment below cases From State Courts:

OPINION BELOW

Did the supreme court of California in error, abuse discretion and show bias when denied writ petition S291238 on July 23, 2025, without resolving jurisdictional conflicts arising from Case No. F087504 as well related writ petitions S289777 (Orders and filings from S289777 are already submitted and reviewable in Case S291238, as attached with letter in Exhibit B dated June 14, 2025 and can be pulled from case s289777 and S290544) These cases raised unresolved constitutional questions which were carried into S291238, where premature closure and clerk-issued rulings obstructed merit review and triggered administrative interference? (See Appendix/Exhibit A.)

Did 5th district court was in error, bias or abuse discretion when it gave opinion on appeal in a case No: F0870504 and posted Incorrect Date on Opinion When Opinion Not Issued on 12/2/24 and when opinion given on feb 3 25 ? (Exhibit B).

Did the Tulare Superior Court in error, bias and abuse its discretion in the ruling in the case vcu298300 on Dec 5 23 ? (record on appeal 4051-4062) , Nov 15 23 ? (record on appeal 3398-4003) and a ruling on August 22-23, Anti Slapp Motion?(see record on appeal 2774-27890)and erroneous entered notice of entry of judgment on nov 30 23?(Exhibit C)

.Did Dental Board of California, Department of consumer affairs, state of California made erroneous and abuse of discretion in **Order Denying Order on reconsideration** Petition issue on 21st day of August 23 based on Petition reconsideration Aug 16 2023?(See Appendix/Exhibit D)

Did the Administrative judge make abuse of discretion and erroneously **Propose decision and Order (dated June 20th 2023) based on Accusations** that were brought on Aug 17 22?.(record on appeal 4122-4127,4128-4131/See Appendix/Exhibit E)

Did Dental Board of California, Department of consumer affairs, state of California made erroneous and abuse of discretion when issued **Order compelling mental and physical examination**(bus and prof code S820) on 06/24/22 based on Petition to compelling mental and physical examination(bus and prof code S820) filed on 06/24/22 ?(record on appeal 4258-4265/See Appendix/Exhibit F) Were the plaintiff's Fourteenth Amendment rights to due process and equal protection violated by the defendants' actions, including the issuance of a mental examination order without proper service or legal authority?(Exhibit F)

JURISDICTION:

The date on which the Supreme court of California denied case no S291238 on July 23 25 .A copy decision appears at (Appendix Exhibit A)

The Jurisdiction of this Court is invoked under 28 U.S.C S 1257(a)

CONSTITUTIONAL AND STATUTORY PROVISION:

We are not bound to accept the Board's factual findings where they are illogical, unreasonable, or improbable **Insurance Co. of North America v. Workers Comp. Appeals Bd.** (1981) where they do not withstand scrutiny when considered in light of the entire record (**Duke v. Workers Comp. Appeals Bd.** (1988) 204 Cal. App. 3d 455, 460 [251 Cal.Rptr. 185]), 1.) Fourteenth Amendment rights that prohibits state deprivation of "life, liberty, or property without due process of law." (**Dent v. West Virginia** (1889) 129 U.S. 114, 121, 9 S.Ct. 231, 32 L.Ed. 623.). Right to practice her profession is both a property right (*ibid* .) and a liberty right (**Conn v. Gabbert**(1999) 526 U.S. 286, 119 S.Ct. 1292, 143 L.Ed.2d 399) These provisions guarantee appropriate procedural protections [citation] and also place some substantive limitations on legislative measures [citations]. The latter guaranty-sometimes described as substantive due process-prevents government from enacting legislation that is 'arbitrary' or 'discriminatory' or lacks 'a reasonable relation to a proper legislative purpose.' [Citation.]" (**Kavanau, supra**, 16 Cal.4th at p. 771, 66 Cal.Rptr.2d 672, 941 P.2d 851.) Due process requires that before one disciplined by deprival or abridgement of the right to engage in his business or profession, he be given reasonable notice of the charges against him, a notice of the time and place of a hearing, and thereafter a fair hearing on the charges. (**Fort v. Board of Medical Quality Assurance** (1982) 136 Cal. App.3d 12, 23, 185 Cal. Rptr. 836) **Violation of ARTICLE 6: Administrative Adjudication Bill of Rights**§ 11425.10 failed to follow required procedures and rights of persons affected. Therefore any "Accusation" based on not complying with the order. The agency, in its discretion, can sustained demurrer on a showing of good cause. As used in this subdivision, good cause includes, but is not limited to, any of the following:(1) Failure of the person to receive notice served pursuant to **Section 11505**. (§ 11520(c).**Standing is a constitutional requirement. Article III of the Constitution** grants the judiciary the power to hear "cases" and "controversies." This means actual cases and controversies, not merely hypothetical ones,ensuring that courts act within their jurisdiction and adhere to procedural fairness." **Lujan v. Defenders of Wildlife** (90-1424), "Constitutional Validity is on question of mental examination on ophthalmology patients, members of the public and consumer/Petition by breaching pt confidentiality see citation **Review Dept. 1991** 1 Cal. State Bar Ct. Rptr. 424(5)).In the case of **Miller v. Board of Medical Quality Assurance** (1987),challenged the constitutionality of Business and Professions Code section 2296, which required him to undergo a psychiatric examination without a prior hearing. The court found that this provision violated due process rights, as it did not provide an opportunity for a hearing before the examination was ordered: (**Himmel v. State Bar** (1971) 4 Cal.3d 786,793-794.). . **Review Dept. 1991** 1 Cal. State Bar Ct. Rptr. 424)..There is a question to Constitutional Validity of mental examination as it does not serve the interest of government and public [5] A court of record may declare a statute unconstitutional. An administrative agency is prohibited from doing so by **article III, section 3.5 of the California Constitution**, but "remains free to interpret the existing law in the course of discharging its statutory duties." (**Regents of Univ. o f Cal. v. Public Employees Relations Bd.** (1983) 139 Cal.App.3d 1037, 1042, original emphasis)..the board failed to prove the plaintiffs culpability by "convincing proof and to a reasonable certainty." **Emslie v. State Bar** (1974) 11 Ca1.3d 210, 226; **Furman v. State Bar**(1938) 12 Ca1.2d212, 229-230.)Since the right to practice law for an attorney accused of mental incapacity is as important as the right to practice law for an attorney accused of actual wrongdoing, we interpret the clear and convincing evidence standard applied in **Conway**. ;see also **Review Dept. 1991** 1 Cal. State Bar Ct. Rptr. 424 Article1, section 1 of the California Constitution includes privacy among the inalienable rights of the people. I See also **Schottenstein v. Schottenstein** (Fla. Dist. Ct. App. 1980) 384 So.2d 933,936 (mere showing that the children of a divorced couple were upset after visiting their father was not sufficient grounds for requiring them to undergo mental examinations, which constituted invasions of privacy and were tolerable only upon a showing of good cause) The California Supreme Court has made it clear that a determination of mental incompetency does not require psychiatric examination:Kees's privacy rights were violated. Therefore, the direction to undergo a second psychiatric examination was not valid, and Kees was not obligated to follow it. (**In re Berry** (1968)68 Cal.2d 137, 149 [65 Cal.Rptr. 273, 436 P.2d 273] 273: the United States Supreme Court vacated an order requiring a bus driver to undergo a mental examination.) After **Schlagenhauf**, a federal district court prohibited mental examination Of mentally retarded defendants in a negligence action precisely because of federal rule 35(a)'s "good cause" requirement and the right of privacy. (**See Marroni v. Matey** (E.D.Pa. 1979) 82 F.R.D. 371.)See also Universal Citation: CA Civ Pro Code § 473.5 (2020) (a) When service of a summons has not resulted in actual notice to a party in time to defend the action and a default or default

judgment has been entered against him or her in the action, he or she may serve and file a notice of motion to set aside the default or default judgment and for leave to defend the action: Entitled to Compensation for loss or deprivation of money or property or for economic injury (*Kwikset Corp. v. Superior Court* (2011) . *Shelby county v holder and highly controversial citizen united v FEC* and has sparked ongoing debates about the influence of money in politics. *Mathews v. Becerra* (2019) 8 Cal.5th 756, 768. where Court found therapist violated the patients' right to privacy under the California Constitution, *See Patient Privacy Rights Act of 2020 (CPRA), Health Insurance Portability and Accountability Act of 1996 (HIPAA)*. (*CMIA -violation of California's Health & Safety Code §1364.5 as well 3.1.1,3.2,3.3 Chapter 3 opinion on privacy, confidentiality and medical record AMA principles of Medical Ethics I, IV* In the *Cameron* case the court rejected the Department of Motor Vehicles contention that the entire adjudicative process for suspension of operator's licenses, including judicial review, was governed by the APA. *Cameron v. Cozens* (1973) 30 Cal.App.3d 887 [106 Cal.Rptr. 537]. court determined that the proper approach for judicial review was a petition for a writ of mandate pursuant to section 1094.5 of the Code of Civil Procedure, which does not have a built-in period of limitations. Here Administrative orders are void as rendered without fundamental jurisdiction fn. 9 (*City and County of San Francisco v. Ang* (1979) 97 Cal. App. 3d 673, 677-679 [159 Cal.Rptr. 56]) or in excess of the agency's statutory powers, also referred to as in excess of its jurisdiction. (*Aylward v. State Board etc. Examiners* (1948) ; *B. W. v. Board of Medical Quality Assurance* (1985) ; *City and County of San Francisco v. Padilla* (1972) . As a general rule, acts of courts or agencies undertaken wholly without the power to do so may be **collaterally attacked** at any time without regard to a statute of limitations. (See, e.g., *Armstrong v. Armstrong* (1976) 15 Cal. 3d 942, 950 [126 Cal. Rptr. 805, 544]. Statute of limitations was tolled during pendency of the other remedies: *Elkins v. Derby* (1974), *See California Standardbred Sires Stakes Com., Inc. v. California Horse Racing Bd* where certain board members were found to have a conflict of interest and were disqualified from voting on an application.. See U.S. Supreme Court, "28 U.S.C. § 1367 (d) :*Artis v. District of Columbia*. In this opinion, the Court held that bringing state claims in federal court stops the clock on the statute of limitations for those claims. *Addison*, *supra* , 21 Cal.3d at p. 321, 146 Cal.Rptr. 224, 578 P.2d 941.) .(See e.g., *People v. Cowan* (2010) a fair trial in a fair tribunal is a basic requirement of due process and a appellant has due process rights under both the state and federal constitutions to be tried by an impartial judge, Accordingly, an appellate court applies the independent standard of review. (*People v. Cromer* (2001) 24 Cal.4th 889, 901.) Whether or not judicial misconduct has occurred is evaluated on a case-by-case basis (equal protection under law under article 1 section 7 as pertains to the Declaration of Rights, 14th amendment violation, See also 1st, 4th,14th . 7th and 5th amendment rights),Judicial disqualification statutes are "not solely concerned with the rights of the parties before the court but [are] also 'intended to ensure public confidence in the judiciary." (*Freeman*, *supra*, 47 Cal.4th at pp. 1000-1001, citing *Curle v. Superior Court* (2001) *Herbert v. Lando* (1979): Court acknowledged that discovery can be exploited to the disadvantage of justice. **Equal Protection Clause (Fourteenth Amendment)**:Ensures that all individuals are treated equally under the law. See **California Code of Civil Procedure Section 1094.5**:Governs judicial review of administrative decisions and mandates that courts ensure decisions are supported by substantial evidence and comply with due process. **California Code of Civil Procedure Section 473.5**:Allows a party to seek relief from a judgment or order if they did not receive proper notice, which could apply to claims about incorrect dates and improper service. **California Constitution, Article VI, Section 13**:Prohibits courts from disregarding procedural errors that result in a miscarriage of justice, supporting arguments about the impact of errors on due process. **California Code of Civil Procedure Section 170.1**:Addresses judicial disqualification for bias or conflict of interest, which could support claims about judicial impartiality. (**Conspiracy to interfere with Civil Rights 42 USC §1985, 18 USC,\$371(conspiracy to defraud the united states), S1512(K) Conspiracy to obstruct official proceeding, 18 U.S.C.SS1512(C)(2),(attempt to obstruct official proceeding) ,18 USC S241(conspiracy against right)**). Medical malpractice , Will Full Negligence,Professional Negligence,Breach Of fiduciary Duty, (in violation of bus and prof code S 52 1601.2, S2000) unreasonable restraint on trade, Antitrust activity(Sherman Antitrust Act of 1890) , unfair competition law Business and Professions Code Section 17200, also known as California's Unfair Competition Law ("UCL"), equal protection claim, Conspiracy 18 USC S1512K, \$15212(C)(2),18 USC S241, Defamation, Intentional infliction of emotional distress, Punitive damages, FEHA ACT and UNRUH ACT Retaliation, breach of contract, Personal injury, Fraud California Penal Code Section 53., California Civil Code §1572 .A-VIOLATION OF THE FIRST AMENDMENT TO THE UNITED STATE AMENDMENT THE UNITED STATES CONSTITUTION (42 U.S.C. § 1983), VIOLATION OF ARTICLE 1 §§ 2, 3 OF THE CA CONST CAL. CODE COV. PRO. § 527),42 U.S.C. §1983, part of the Civil Rights Act.

STATEMENT OF THE CASE:

Petitioner/ Samreen Farid Riaz in this case is in the shoes of Ophthalmology patient, consumer, member of public, a woman of color, an immigrant, a 0.2 percent Muslim minority of Asian descent (happens to also hold a professional dental license)..Petitioner/(Ophthalmology patient, Consumer, Member of public) Dental license was in good standing all the time since the Petitioner/ophthalmology patient was issued the license in April 2013, until the Dental Board joined Petitioner's /(Ophthalmology patient, consumer, member of public) Ophthalmologist (named Steven Cantrel) and breach Patient Privacy rights, (HIPAA) rights, patient confidentiality rights .Defendant filed petition on mental exam without serving petition of **(in violation of Article 1, section 1 of the California Constitution, in violation of CA Civ Pro Code § 473.5 (2020) (a)) intrusive unconstitutional** mental exam to an ophthalmology patient before issuance of order on mental exam.Defendant further disregarded or not heard later Ophthalmology Patient/consumer/member of Public filed motion to vacate , strike/demurrer on mental exam(due process violation and equal protection violation,Article 6: Administrative Adjudication Bill of Rights (§ 11425.10) violation) and deprived fair chance of proceeding.Judge Sean Gevin made erroneous finding and ruling based on bus and prof code S1601.2 of dental practice act (business and professions code section 1600) when Judge Sean himself established that OphthalmologyPatient/consumer/member patient did not violate dental practice act(Lack jurisdiction) .Lower Courts Disregarded the fact that Alan L Felsenfeld, MA, DDS (dental board president) who issued solely (not presented to the board members) various orders(on mental exam, Accusation, revocation) is a competitor as a dentist in market with Petitioner/Ophthalmology patient and at the time of issuance of (Accusation, revocation) order has dispute and conflict of interest with the ophthalmology patient due to name as a defendant in the case vcu298300 (May 15 23). In Addition , Alansfelsfield has no legal authority that authorize him to **solely** made order by accepting order and proposed decision Of (from now on AJL) Administrative law judge, negligently made order on Ophthalmology Patient/consumer/member of Public and failed to recuse when has conflict of interest due to ongoing dispute with ophthalmology patient in the case vcu298300.In Addition no good cause mentioned for Mental exam other than Ophthalmology Patient/consumer/member of Public exercising her 1st amendment or civil rights.Above acts are in violation of the **7th,4th,14th,5th 1st Amendment Rights** of Ophthalmology Patient/consumer/member of Public .In this case the public(public interest harmed) gets harmed by retaliatory proceedings on Patient of ophthalmology who is a witness in court proceedings in osha, hipaa and public safety matters . Judge hillman failed to withdraw despite the appearance of bias and personal interest involved in the controversy of this case and violated constitutional due process rights of Petitioner/ ophthalmology patients and violated public policy.(*Catchpole v. Brannon*).Judge Hillman erroneously denied the plaintiff's demurrer/Strike the defendant's affirmative defenses in the July 2024 ruling, despite the defenses being clearly defective. On June 18, 2024, Judge Hillman obstructed the discovery process (**18 U.S. Code Chapter 73**) through an erroneous ruling on the motion to compel, In August 2024, Judge Hillman's ruling on tolling and the statute of limitations was based on false fact-finding when statute of limitations not applicable and can be collaterally attacked at any time (*Armstrong v. Armstrong, 1976*). The DBCA/AJL lacks jurisdiction over the ophthalmology patient. In addition petitions filed within the statute of limitations when apply tolling remedies (*Elkins v. Derby, 1974*).The erroneous rulings are attributed to Judge Hillman's personal, direct, and indirect involvement in the controversy of the plaintiff's case (*Herbert v. Lando, 1979*).The Supreme Court of California struck the Petition (S289777) for review on March 28, 2025, without addressing the jurisdictional conflict arising from the 5th District Court's mishandling of case No. F0870504. This included posting an erroneous date (December 2, 2024) on its opinion, and issuing a remittitur based on the incorrect date, which violated the appellant's Fourteenth Amendment due process rights. The 5th District Court's opinion, first served and issued to the petitioner on February 3, 2025, was attached with the remittitur. The remittitur was invalidly issued in error, as it cannot be issued on the same date as the opinion. Additionally, the December 23, 2024, date on the opinion was a clerical mistake and requires correction. On December 2, 2024, the appellant only received an "ORDER" approving the waiver of oral arguments, further establishing that no opinion was issued on this date. This represents an extraordinary attempt to commit fraud and violate the appellant's due process rights. Consequently, the issuance of the remittitur on February 3, 2025, erroneously marked the finality of a court decision that was officially issued on December 2, 2024.(Conspiracy to interfere with Civil Rights 42 USC §1985, 18 USC, S1512K, 18 USC S241).Plaintiff in this case is 0.2 percent muslim immigrant minority, women of color, patient, member of public, consumer, court witness .Plaintiff is a witness in court proceedings in OSHA, hipaa violation and public safety issues, see complaint paragraph 44-51, 313-377 record on appeal 24-145 ,3067-3075, 3056-3058,3064-3066). DBCA was

provided admissible evidence Cathy Meadow's testimony establishes the plaintiff is going thru whistleblower activities due to her testifying in matter of public safety issue in the court, . (Feb 2021), DR Sievert testimony demonstrating that the Plaintiff was competent to participate in the trial and work as a dentist without restriction, .(record on appeal pg 4122-4127 . Petition on mental exam established that cantrell concern was his pt health and not wider interest of public .Defendant cantrell did not state to DBCA that the document he is producing is to protecting public but to establish that the ophthalmology allegation against defendant cantrell is untrue(self preservation) . "Specifically,Declaration Ms Riaz attorneys and Altura centers for health attorneys filed regarding MS Riaz mental Competency to participate in trial.These Declaration helped establish that Ms Riaz allegations against me were Untrue".(Plaintiff / ophthalmology patient/member of public/consumer would like court to take judicial notice pursuant to evidence code judicial notice 452 declaration pg 8-9 Plaintiff Request For Judicial Notice In Support Of Plaintiff Opposition To Defendant Cantrell Demurrer, Motion To Strikes Based On Portion Of Plaintiff's Complaint-Aug 8 22/record on appeal 1082-1084,(record on appeal 4258-4265)).Cantrell,an ophthalmologist of Patient harmed the patient/consumer (violated Medical practice act when breach ophthalmology Patient Privacy right (California Privacy Rights Act of 2020), (CPRA), patient confidentiality (Confidentiality of Medical Information Act (CMIA) and HIPAA breach(Health Insurance Portability and Accountability Act of 1996) by conspiring(Conspiracy Civil Rights 42 USC \$1985, 18 USC, S1512K, 18 USC S241)) with The state defendant for potential Pretextual witness tampering and intimidation of court witness in public health and safety matters and obstruction of justice (18 usc section 1512(c) (2)) purposes and State defendant further based on above misconduct initiate proceeding under section 820(hidden from plaintiff to obtained order from psychological exam from board president license dentist / alan felsenfeld (competitor in market) violated section code 1600.

Petitioner's writ petition in S291238, denied by the California Supreme Court on July 23, 2025, stems from a broader pattern of jurisdictional conflicts, administrative interference, and unresolved constitutional violations originating in prior filings S298777, S290544, and appellate case F0870504. In S298777, the California Supreme Court clerk struck the petition over labeling discrepancies despite timely filings and Appellant's clarification that a "petition for review" was intended—not certiorari—thus evading merit-based review and further Subsequent Further premature closure of S298777—despite pending reconsideration and amended filings—demonstrates clerical overreach that bypassed judicial authority and obstructed resolution of jurisdictional and constitutional claims, compounded by clerk-issued orders (s289777) lacking judicial authority, obstructed equitable access to review and implicated violations under Mathews v. Eldridge, Harris v. Nelson, and Anisminic Ltd v. FCC..S291238 also discussed error stemmed from Clerk interference in the case s289777 caused Appellant to prematurely, filed a writ of certiorari S290544 on April 28, 2025 that lead to .bypassing crucial state-level review or petition review (as clerk refusal to permit petition review in S289777), leaving the record undeveloped and administrative misconduct unexamined—by pass procedural safeguards and constitutional accountability.Petition Reconsideration filed in s290544 on May 7 25, yet S290544 case closed by the clerks on May 07 25 after the filing of reconsideration without judge hearing writ or petition reconsideration on its merits (violated constitutional protection) ,contradicting past set precedent(see s289777, Establishing Procedural Inconsistencies) & without providing enough time for petitioner to refile writ under 14,000 words after denial and merit based review and violated constitutional due process in this case

REASON FOR GRANTING THE PETITION:

Petitioner's writ petition in S291238, denied by the California Supreme Court on July 23, 2025, stems from ignoring jurisdictional conflicts, clerk interference, and unresolved constitutional violations from s298777, s290544 (procedural irregularities, premature closure, and clerk-issued rulings that obstructed merit review) and F087504 where the Fifth District misdated the opinion as December 2, 2024, despite serving it on February 3, 2025 with the remittitur—rendering both the designated date and remittitur legally defective and subject to correction.

The Supreme Court of California failed to resolve the jurisdictional conflict arising from the 5th District Court's mishandling of case No. F0870504. This unresolved issue undermines the integrity of the judicial process and warrants review to ensure proper jurisdictional boundaries are maintained. The appellant's Fourteenth Amendment rights were violated due to procedural errors, including the issuance of a remittitur based on an incorrect date and the failure to provide adequate notice of the opinion. These actions deprived the appellant of a fair opportunity to challenge the decision. The erroneous dates (December 2, 2024, and December 23, 2024) on the opinion and remittitur raise serious concerns about the accuracy and reliability of the judicial process as. The claim of an extraordinary attempt to commit fraud further highlights the need for higher court intervention. The issuance of the remittitur on February 3, 2025, erroneously marked the finality of a court decision that was not properly issued on December 2, 2024. This procedural irregularity undermines the legitimacy of the decision and necessitates review. The alleged errors and bias in the handling of this case erode public trust in the judicial system. Granting the petition would demonstrate the judiciary's commitment to fairness, transparency, and accountability. The case raises important constitutional questions regarding due process and the proper administration of justice. Resolving these issues would provide clarity and guidance for future cases involving similar procedural challenges. The Court should grant certiorari as compelling reasons exist for the exercise of the Court's discretionary jurisdiction as the decision of the lower courts not only erroneous but Petitioner presenting a question of law for the US Supreme court on issues of public, government, constitutional importance (violation of 7th, 4th, 1st, 5th and 14th amendment), human rights and civil rights violations, equal right and due process violations, racial justice, Ophthalmology patient rights, right of ophthalmology patient to participate as witness in court proceedings without retaliation in public safety matters (Conflict with Precedent: The lower courts' decisions conflict with established legal precedents, such as Dent v. West Virginia (1889), which recognizes the right to practice a profession as a protected liberty and property interest, and Emslie v. State Bar (1974), which emphasizes the need for clear and convincing evidence in disciplinary proceedings.). All Lower Courts Fail to determine .All the Proceeding occur under administrative board and dental board/consumer board was without jurisdiction, with no legal authority in violation of Article III of the Constitution (s raises critical questions about judicial overreach), initiated on Ophthalmology Patient by obtaining inadmissible privileged information (without consent and knowledge of her patient) from patient ophthalmologist by breaching Ophthalmology Patient/consumer/member patient Privacy Rights Act of 2020 (CPRA), Health Insurance Portability and Accountability Act of 1996 (HIPAA) Doe v. Community Medical Center, Inc. (2017), Medical Information Act (CMIA -violation of California's Health & Safety Code §1364.5 as well as in violation of 3.1.1,3.2,3.3 Chapter 3 opinion on privacy, violation of confidentiality and medical record AMA principles of Medical Ethics I, IV. The petitioner asserts that critical procedural safeguards were ignored, (Procedural Errors and Due Process violation) including failure to serve petition of (unConstitutional, violation of Article I, section 1 of the California Constitution, violated Universal Citation: CA Civ Pro Code § 473.5 (2020) (a) intrusive mental exam to ophthalmology patient before issuance of order(Fort v. Board of Medical Quality Assurance (1982), Miller v. Board of Medical Quality Assurance , further disregarding Ophthalmology Patient/consumer/member of Public motion to vacate , strike/demurrer (which was never heard) on mental exam(due process violation and equal protection violation, Article 6: Administrative Adjudication Bill of Rights (§ 11425.10) violation) and deprived from chance proceeding.Judge Sean Gevin made erroneous finding and ruling based on bus and prof code S1601.2 of dental practice act (business and professions code section 1600) when Judge Sean himself established established that Ophthalmology Patient/consumer/member patient did not violate dental practice act .In Addition defendant failed to met (standard of proof) burden of clear and convincing evidence to prove Ophthalmology Patient, Member of Public and a Consumer/Petitioner has a mental incapacity to practice dentistry safely "Emslie v. State Bar (1974), Cooper v. Oklahoma (1996) .Supreme, 5th district and tulare Court Disregarded the fact that Alan L Felsenfeld, MA, DDS (dental board president) who issued solely (not by the board members) various orders(on mental exam, Accusation, revocation) is a competitor as a dentist in market with Petitioner/Ophthalmology patient and at the time of issuance of order has dispute and conflict of interest with the Ophthalmology patient due to name as a defendant in the case vcu298300 (May 15 23) California Standardbred Sires Stakes Com., Inc. v. California Horse Racing , Tumey v. Ohio (1927) Alansfelsfield has no legal authority that authorize him to solely made order by accepting order and proposed decision Of AJL(Administrative law judge), negligently made order not on Ophthalmology Patient/consumer/member of Public name, failed to recuse when has conflict of interest due to ongoing dispute with ophthalmology patient in the case vcu298300.In Addition

no good cause mentioned for Mental exam other than Ophthalmology Patient/consumer/member of Public exercising her 1st amendment or civil rights and witness in osha and hipaa matter in a court proceedings(**In re Berry (1968)68 Cal.2d 137, 149 [65 Cal.Rptr. 273, 436 P.2d 273] 273**): DBCA instead of investigating Officer Tippin reported misconduct such as misrepresented himself as police officer in an unannounced visit to ophthalmology patient house (for retaliatory and discriminatory intent) and coincidence of similarities in date of visit of tippin and the complaint filed against cantrell MD by the ophthalmology patient in the past april , failure to provide opportunity to ophthalmology patient attorney to respond, officer made false statement and other harassing misconduct including failure to leave the private residence on request, shouting ,hitting the door of Ophthalmology Patient/consumer/member of Public.Ophthalmology Patient/consumer/member of Public requested continuance of hearing on May 18 23 for a good cause (extraordinary circumstances) along with evidence that Ophthalmology Patient/consumer/member of Public attorney kathy and mosses stopped responding and answering calls and email however administrative board declined the request and held on may 22 23 hearing without providing Ophthalmology Patient/consumer/member of Public due process and fair hearing rights.Also, Documents from DBCA were not under respondent name. Above acts are in violation of the **7th,4th,14th,5th 1st Amendment Rights** of Ophthalmology Patient/consumer/member of Public .In this case the public gets harmed by retaliatory proceedings on Patient of ophthalmology who is a witness in court proceedings in osha, hipaa and public safety matters and in fact harmful to the public interest. The case involves broader implications for **public interest and safety and the rights of individuals to participate as witnesses in court proceedings without fear of retaliation. This is a matter of public and constitutional importance.** . Judge hillman failed to withdraw (**People v. Cowan (2010)**)despite the appearance of bias and personal interest involved in the controversy of this case and violated constitutional due process rights of Petitioner/ ophthalmology patients and violated public policy. (**Catchpole v. Brannon**).Judge Hillman erroneously denied the plaintiff's demurrer (under Code of Civil Procedure section 430.20) and motion to strike the defendant's affirmative defenses (Cal. Rule 3.1112(a), Federal Rule of Civil Procedure 12(f)) in the July 2024 ruling, despite the defenses being clearly defective. On June 18, 2024, Judge Hillman obstructed the discovery process (18 U.S. Code Chapter 73) through an erroneous ruling on the motion to compel (vcu303441) **Herbert v. Lando (1979)**. **Unresolved Legal Questions:** The case presents unresolved legal questions of federal and constitutional law, including the application of equitable tolling, the statute of limitations, and the scope of administrative authority. These issues require clarification by the Supreme Court. Such as In August 2024, Judge Hillman's ruling on tolling and the statute of limitations was based on false fact-finding: (**Wilson v. Garcia (1985)**). The statute of limitations is not applicable and can be collaterally attacked at any time (**Armstrong v. Armstrong, 1976**) .**Judicial Misconduct:** occurred including obstruction of discovery and erroneous rulings, raise concerns about the integrity of the judicial process. . The Dental Board, Consumer Board, or administrative board lacks jurisdiction over the ophthalmology patient/consumer/member of the public **Kees v. Medical Board of California (1992)**. The case was filed within the statute of limitations, which was tolled during the pendency of other remedies (**Elkins v. Derby, 1974**). Reason for error rulings is that judge hillman is personally, directly and indirectly involved in the controversy of plaintiff case\ .Petition is presenting a question of law for the Us Supreme court on issues of public, government, constitutional importance, public right, equal right and civil rights violations, racial justice , Petitioner/Ophthalmology patient right to petition the government without discrimination or performing public duty such as participating as witness in court proceedings without retaliation .and requesting the US Supreme Court to make a decision based on their individualized evaluation, guided by the principles of law. The Supreme court of California, 5th district appeal court, The Superior court has decided federal questions in a way or entered a decision in conflict with the other United States court decision in the same important matter.The Petitioner/Ophthalmology patient, consumer and public has special interest and Beneficial interest that can be protected through the WRIT...There is a question of law(De Novo) to this case for which the Supreme court makes an independent determination of the legal issues without giving deference to the lower courts opinions. The Entire evidence and record was not examined for fairness, reasonableness and proportionality in the overall scheme of the law.. Here the lower Court's decision is not within the realm of what a reasonable trier of fact could find.Lower courts failed to meet standard when presented fabricated, disputed, speculative facts and concealed material relevant facts of record to reach (erroneous) decision without a jury trial . Lower courts departed from the accepted and usual course of judicial proceedings. **Shelby County v. Holder and Citizens United v. FEC**, the Court's. The provisions of the Dental Practice Act not applicable to ophthalmology patients. **Public Confidence in the Judiciary:** Granting certiorari would address concerns about judicial impartiality and reinforce public trust in the legal system, particularly in cases involving vulnerable individuals and whistleblowers.

1: Mischaracterization of the Petition: The appellant filed a petition for review to address critical jurisdictional issues and alleged errors by the 5th District Court. By treating the petition as a writ of certiorari, the Supreme Court failed to recognize the petition's intent to seek clarification and resolution of jurisdictional conflicts, undermining the appellant's right to a fair review process. The Supreme Court's erroneous decision to strike the petition for review as a writ of certiorari disregards the appellant's intent, procedural errors, and constitutional violations. This approach denies the appellant a fair opportunity to address jurisdictional conflicts and procedural irregularities, undermining the principles of justice and due process. The Supreme Court Clerk issued a letter on March 19, 2025, granting permission for a petition exceeding 14,000 words but erroneously stated the filing date as March 18, 2025, instead of March 12, 2025, as reflected in official court records. (see Exhibit B attached to the letter Letter/ Request to Address Errors in the March 19, 2025 Letter Issued by Jorge E. Navarrete, Clerk and Executive Officer of the Supreme Court, and K. Castro, Deputy Clerk, and Ensure the Petition for Review Is Not Stricken dated March 21 25 in the case S289777.) Further, the clerk mistakenly requested reclassification of the petition for review as a writ of certiorari, contrary to its original filing type. See EVIDENCE (SEE (see Exhibit B attached to the letter Letter/ Request to Address Errors in the March 19, 2025 Letter Issued by Jorge E. Navarrete, Clerk and Executive Officer of the Supreme Court, and K. Castro, Deputy Clerk, and Ensure the Petition for Review Is Not Stricken dated March 21 25 in the case S289777, true filling website DOCKET that court rely on any dispute) INDICATE THAT APPELLANT SUBMITTED Petition REVIEW as filing Type: see "filing type" is a Petition review. Clerical Errors Jeopardizing appellant fair chance of review petition as Petition for Review and erroneously being Being Stricken. A petition for review provides a structured and broader pathway for addressing legal and constitutional issues, offering a clearer mechanism to present developed arguments on matters of statewide importance and public policy. In contrast, a writ of certiorari is a discretionary, extraordinary remedy focusing on jurisdictional or evident legal errors, limiting its accessibility and scope. The Supreme Court's misclassification risks undermining the appellant's opportunity for meaningful judicial review and due process. The court has good cause to not strike the petition review, as clerical errors jeopardizing the filed petition would undermine the petitioner's ability to demonstrate prejudicial error and obtain meaningful relief. The Supreme Court should grant certiorari to address procedural errors, including the misclassification and misstatement of filing details, ensuring the petition is correctly recognized as a petition for review. Striking the petition due to clerical errors would unjustly undermine the petitioner's ability to demonstrate prejudicial error and seek meaningful relief. Acknowledging the absence of appellant error aligns with the principles of justice. Correcting the record preserves the petitioner's right to standard appellate review and safeguards due process. This action upholds fairness and impartiality in the judicial system.

2: The 5th District Court's ruling on February 3, 2025, contained procedural errors, including an incorrect date (December 2, 2024) marked on the opinion, which was never issued or served on that day. This clerical mistake undermines due process protections, creates jurisdictional confusion, and constitutes an attempt to fraudulently finalize the case via erroneous remittitur issuance. Consequently, these actions violated the appellant's rights and warrant further judicial review to rectify the unjust conclusions. The petition highlights constitutional and procedural errors by the 5th District Court, including incorrect dates on opinions and an erroneous remittitur, resulting in due process violations. Additionally, the case raises significant questions of public interest, including whistleblower retaliation, judicial misconduct, and constitutional rights violations, demanding appellate review through the petition format. Accepting the clerical error and preserving the petition for review aligns with the interest of justice and the appellant's right to meaningful relief. **False fact finding:** Other than 5th district judges are involved in this case false fact finding and concealment of fact for defendants which involved federal tax payer interest. The involvement of the 5th district judges in false fact finding and concealment of material facts further exacerbates these concerns, raising questions about the integrity of the judicial proceedings. In summary, the combination of issuance of remittitur, false date on the opinion, and false fact finding had a profound impact on the case, holding the defendant in an unaccountable position and causing substantial harm to Riaz.

3. There were Discrepancies and Error in 5th district opinion release on Feb 03 25: (See Exhibit A attached to petition S289777): there were False, partial/selective FACT FINDING in the Section 1: Discrepancies and Error in 5th district opinion release on Feb 03 25 and all above discrepancies is available for review in the original petition S289777 (filed March 12 25) pg 12-14 and crucial in examining petition. Petitioner removed false fact findings from amended complaint in order to comply with 5th district order issued in this case on March 13 25.

4:There were False and partial/selective FACT FINDING in the Background of the 5th district opinion: (See Shelby County v. Holder and Citizens United v. FEC, the Court's .See also Knights-Errant: The Roberts Court and Erroneous Fact-Finding where Whitehouse's article sheds light on the Court's propensity for relying on extra-record – and often false – facts that lend advantage to corporate special interests..)All 22 points of False and partial/selective FACT FINDING in the Background of the 5th district opinion are available for review in the original petition(filed MArch 12 25) pg 14-25 and crucial in examining petition.

Petitioner removed false fact findings from amended complaint inorder to comply with 5th district order issued in this case on March 13 25.

5: There were ERROR IN DISCUSSION SECTION of the 5th district opinion :

All 3 5th district judgesSNAUFFER, LEVY, FAIN in error when they conclude that trial court did not error in sustaining the demurrs and granting the anti-SLAPP motion that defendant Cantrell filed .

5 A..5th district has Error in Additional Background section of the opinion :

There were partial/false and selective Fact findings in the additional background section of the 5th district opinion issued in feb 25.Petition identify false fact findings and available for review in the original petition S289777(filed MArch 12 25) pg 14-25 and crucial in reviewing this petition.However removed from amended complaint inorder to comply with 5th district order issued in this case on March 13 25.

5B: 5th district has Error In Analysis section of the opinion and based it on false fact finding and concealment of fact :

The petitioner asserts significant procedural errors and due process violations in the 5th District Court's analysis. Specifically, the petitioner highlights the removal of partial and selective fact findings (1-27) in compliance with the court's March 13, 2025, order, while maintaining their importance as detailed in the original petition S289777(filed MArch 12 25). The 5th District Court's decision, based on flawed and concealed facts, failed to provide an accurate de novo review. 5th district failed to conduct an accurate de novo review, which requires examining the case from the beginning without relying on the trial court's findings. Key details such as the patient-doctor relationship between Cantrell and the petitioner, privacy breaches, and inadmissible evidence were omitted. Additionally, improper proceedings, including failure to serve the petitioner with a petition for a mental exam and the board's reliance on decisions signed by a competitor with a conflict of interest, further undermined the process. The petitioner argues that these concealed facts and failures to address material issues led to erroneous conclusions. Due process principles were ignored, motions were disregarded, and the petitioner's rights to a fair and impartial hearing were violated, necessitating judicial rectification. 5th district judges failed to give a complaint a reasonable interpretation and reading it as a whole .5th district also failed to take judicial notice of matters as requested by appellant as we discussed in s289777.

The 5th District Court's analysis on February 3, 2025, was based on false fact-finding, selective omissions, and concealment of critical details, undermining due process. Defendant Cantrell failed to prove the challenged allegations arose from protected activity or satisfy the minimal merit standard, relying on disputed and non-credible evidence. Despite the appellant presenting counter-evidence, the court emphasized the organization of documents over their content, leading to the dismissal of valid claims. Key omissions included Cantrell's privacy violations and improper sharing of patient information, pivotal to the case. These procedural flaws resulted in an erroneous and unjust decision.

#The 5th District Court erroneously applied anti-SLAPP protections to Cantrell's actions, despite clear evidence of patient privacy breaches and retaliatory intent. Cantrell's disclosure of patient information to a private investigator and the Dental Board, without consent, was motivated by self-interest and not public protection, falling outside protected activity under the anti-SLAPP statute. Additionally, Cantrell's actions, including retaliation, discrimination, and fraud, constitute professional misconduct, which the statute does not shield. These procedural flaws invalidate the anti-SLAPP motion and highlight errors in the court's analysis.

#The 5th District Court acknowledged Cantrell's admission of submitting small-claims pleadings and patient information

to the Dental Board but erroneously ruled there were no equivalent affidavits or declarations proving retaliatory intent. Evidence, including Cantrell's own statements and a petition for a mental exam, demonstrates that the disclosures were to protect himself and not for public interest, highlighting errors in the court's findings and omissions regarding patient privacy violations and improper motives.

#The 5th District Court erroneously denied the appellant's opposition to the anti-SLAPP motion solely based on document organization, disregarding the substance of submitted evidence, raising concerns about fairness and due process. Additionally, the court emphasized retaliation as the primary claim while concealing the appellant's privacy breach allegations and Cantrell's admitted self-preservation motives, which contradict public interest concerns. Evidence further indicates Cantrell's retaliatory intent in reporting appellant's behavior to the Dental Board following their initial appointment, underscoring errors in the court's analysis.

#The 5th District Court erred by disregarding evidence, including Cantrell's own admissions, which demonstrate his actions were motivated by retaliation rather than public concern. Cantrell breached patient privacy by disclosing confidential information to third parties and the Dental Board without consent, violating professional ethical standards and privacy laws. Above actions were linked to the appellant's protected activities, highlighting a causal connection and procedural errors in the court's ruling.

#The 5th District Court wrongly concluded there were no declarations proving Cantrell's actions were self-preservatory and not out of public concern, despite Cantrell's own admission in his anti-SLAPP motion stating his purpose was to refute allegations against him. This admission serves as equivalent proof, contradicting the court's claim of insufficient evidence

#The 5th District Court erred by dismissing the anti-SLAPP opposition solely based on document organization, disregarding the substance of 110 pages of exhibits containing admissible evidence. The court set an unnecessarily high bar, failing to account for its low proof standard and denying the appellant an opportunity to clarify her claims, resulting in due process violations. Furthermore, evidence shows Cantrell's actions—sharing patient information without consent—were retaliatory and self-preservatory, challenging the court's statement of insufficient proof. Ignoring admissible evidence undermined fairness and procedural integrity.

#The 5th District Court demonstrated bias by relegating critical facts to footnotes, minimizing reputational harm to the ophthalmology patient caused by Cantrell's unauthorized disclosure of privileged information for self-preservation and retaliation against protected activities. While the appellant presented 110 pages of exhibits, the court dismissed the anti-SLAPP opposition based on document organization, failing to prioritize substance over form and overlooking admissible evidence. Additionally, the court failed to take judicial notice of prior false statements and whistleblower-related testimonies, which substantiate claims of harm and defamation. This undermined fairness, due process, and justice in reviewing the appellant's valid claims.

#The citation of Baral v. Schnitt (2016) 1 Cal.5th 376, 396 is misplaced, as the appellant's claims have merit, and the 5th District Court concealed significant facts and evidence in dismissing them. Actions such as Cantrell's breach of fiduciary duty, invasion of privacy, and disclosure of privileged patient information without consent are not protected activities under the anti-SLAPP statute. These actions constitute serious professional misconduct, defamation, and harm to the appellant's reputation, which deserve proper legal redress.

.Error in Demurrsers:

1# 5th district judges in error, showed bias and abuse discretion when established no error in demurrer rulings for both cantrell and state defendant"Both Cantrell and the State filed demurrsers to Riaz's complaint. The trial court sustained the demurrsers, allowing Riaz only an opportunity to amend an unfair competition claim against Cantrell, and to defeat governmental immunity against the State. After Riaz amended the complaint, the trial court sustained demurrer without leave to amend. "We find no error in its rulings." and above rulings is based on error in fact finding and concealment of facts from nov 14 ruling (See Section B:Error nov 14 23 ruling, Section 1:A and Section 2 B: concealment of 25 facts,Section 3:Error in fact finding Nov 14 23 (A_F) based on false fact finding and concealment of material facts from Aug 22 23 ruling based on anti slap motion (see Section .Error in Facts Finding Aug 22 23 (based on Special Motion) . Section Facts Finding Error 1- 7, Section Discussion on Authority and Analysis., Section Plaintiff suit is not a SLAPP suit-, Section Defendant fail to met the burden of proof , Section Error in comparing with dissimilar cases , Section

Discussion: , Section 1-Special motions to strike/standard of review , Section Prong One: Protected Activity , Section Prong Two, Section Trial court improperly takes judicial notice , Section Exempt from public interest Lawsuits , Section :DefendantCantrell statement not fall within subdivision e 4 Section :Error in Judge hillman Ruling summary ...) these sections as well above section of this brief I: Discrepancies and Error in 5th district opinion release on Feb 03 25:(See Exhibit A)II: False and partial/selective FACT FINDING in the Background OF the 5th ,district opinion:III: ERROR IN DISCUSSION Section of the 5th district opinion)

A. Error in Additional Background ; see all 27 partial/false and selective Fact findings and Error in Additional Background in the original petition s289777 (filed MArch 12 25) pg 47-65 as crucial in examining this petition .

B # Error In Analysis: based on false fact finding and concealment of fact:

The 5th District Court's analysis was flawed due to reliance on false fact-finding and concealment of material facts, undermining due process. The court failed to conduct a proper de novo review, overlooking essential details, such as Cantrell's patient-doctor relationship and privacy breaches involving third-party disclosures without consent. Proceedings against the appellant were based on inadmissible evidence, including a mental exam order issued without serving petition before obtaining order or held hearing with plaintiff knowledge before obtaining mental exam order, violating procedural fairness. Additionally, dental board orders were signed by a competitor with a conflict of interest, raising questions of bias and due process violations. The court dismissed motions and evidence presented by the appellant, disregarding her arguments and denying her a fair opportunity for defense. These significant errors necessitate judicial correction to uphold justice and due process.

i: Error in 5th district opinion Section i :Cantrell's Demurrs : :28-55

#The 5th District Court erroneously established that judgment was entered in Cantrell's favor on August 23, 2021, overlooking critical objections and evidence presented by the appellant. Plaintiff disputed the accuracy of this claim, referencing Exhibit F, which demonstrated the judgment lacked Judge Wooton's signature and did not explicitly favor Cantrell. Notably, the Notice of Entry of Judgment was signed by Deputy Clerk Rocha, raising procedural concerns. Additionally, concealed facts and errors in the November 14, 2023, ruling further undermined the validity of the judgment, including inconsistencies in the record and failure to acknowledge the appellant's objections. The court relied on flawed fact-finding and omitted essential details, such as Cantrell's retaliatory actions and breaches of patient privacy. These procedural deficiencies reveal bias, abuse of discretion, and inaccuracies in the judicial process that necessitate correction to ensure fairness and due process.

#The 5th District Court erred in sustaining the demurrer regarding Riaz's office visit claims by basing its ruling on concealed and false facts. It incorrectly applied res judicata, despite the distinct claims, such as malpractice and fraud, arising after the small claims case. These included Cantrell's disclosure of patient information to a third-party investigator and the Dental Board, actions not litigated in the small claims case and constituting breaches of privacy laws and professional ethics. The court also overlooked that the small claims case did not address personal injury or subsequent misconduct, which require independent litigation. Moreover, the 5th District failed to establish the appropriate statute of limitations for fraud claims, which is three years, and ignored evidence of Cantrell's fraud and perjury. These procedural and factual errors necessitate a reevaluation to ensure justice for the appellant.

#The 5th District Court erred by failing to recognize that Cantrell's fraud and perjury, including disclosing patient information to a third-party investigator without consent, fall under the res judicata exception, allowing the appellant to relitigate claims. Evidence shows these privacy breaches and retaliatory actions occurred after the small claims case and were not part of its proceedings. The court concealed material facts, including disputed declarations and altered documents filed by Cantrell, which were not properly served. Cantrell's actions, including hiring a private investigator and submitting documents for personal gain, were unethical and violated privacy laws. Additionally, evidence suggests the use of legal counsel to prepare documents without disclosure, further demonstrating procedural unfairness. These concealments raise significant concerns about the fairness and legality of the small claims case and support the appellant's right to seek justice under the res judicata exception. The court's oversight undermines the integrity of the legal process and due process rights.

The 5th District Court erred by failing to recognize exceptions to res judicata for claims arising after the filing

of the small claims case, such as malpractice, personal injury, discrimination, and breach of fiduciary duty. These causes of action stem from privacy breaches involving third-party disclosures, which occurred after the small claim case based on the April 13, 2021, incident and were not part of its proceedings. The court overlooked the appellant's lack of awareness of these breaches at the time of the initial case filing. By applying res judicata erroneously, the court ignored new and separate claims, violating due process. These distinct causes of action must be independently litigated to ensure justice for the ophthalmology patient.

Other Argument based on Res Judicata Exception Rule:

Small claims courts lack jurisdiction to handle complex legal issues such as breaches of confidentiality, HIPAA violations, or professional misconduct, which must be addressed in higher courts. Right to pursue separate legal avenue: The appellant has the right to pursue her claims in courts with broader jurisdiction, (as small claims courts handle only minor disputes and lack the capacity for extensive legal proceedings). where substantive evidence and legal complexities can be fully evaluated. Procedural limitations in small claims courts, such as non-appealability, do not override the appellant's substantive rights to seek justice for fraud, perjury, and privacy breaches that occurred after the original case filing. Higher courts can provide fresh precedents, like *Pitzen v. Superior Court* (2004) and *Smith v. Superior Court* (1977), confirms that small claims judgments do not preclude pursuing remedies in appropriate legal avenues for justice and comprehensive resolution.

#The cited cases Pitzen v. Superior Court (2004) and Bailey v. Brewer (2011) are misplaced as the small claims case differs significantly from the broader claims in this case, which involve breaches of privacy, professional misconduct, and fraud arising after the small claims filing. The principle of res judicata does not apply to claims not litigated in small claims court, as supported by *Cameron v. Buetter* (1992) and *Maldonado v. Harris* (2003). Complex issues, such as medical malpractice and civil rights violations, fall outside small claims court jurisdiction and require adjudication in higher courts. Appellant retains the right to pursue these claims independently, ensuring proper review of all facts and legal arguments. The 5th District Court's opinion is flawed, as it relies on erroneous conclusions and ignores material distinctions.

#The 5th District Court erred in ruling that Cantrell prevailed under the anti-SLAPP statute, as this conclusion relied on false fact-finding and concealed material facts. Evidence indicates Cantrell, an ophthalmologist, disclosed patient information to a private investigator for personal gain, violating patient confidentiality after the small claims filing. The complaint focused on individual grievances rather than public safety concerns, and Cantrell's own admissions further contradict claims of protected activity under the anti-SLAPP statute. These errors highlight significant procedural flaws requiring reconsideration. SLAPP statute is erroneous and based on false fact finding and concealment of material facts. (See *Shelby County v. Holder and Citizens United v. FEC*, the Court's ,See also *Knights-Errant: The Roberts Court and Erroneous Fact-Finding* where Whitehouse's article sheds light on the Court's propensity for relying on extra record).

#The 5th District Court concealed key facts, including Cantrell's role as an ophthalmologist who disclosed patient information without consent to a private investigator for personal gain, actions unrelated to the small claim grievances based on the April 13, 2021, incident. Evidence (record on appeal 2774-2789, 2711-2727) shows that the appellant filed a complaint on April 14, 2021, specific to personal grievances, not public safety. Cantrell's disclosure occurred when no official proceedings against the appellant were ongoing, violating patient confidentiality. Cantrell admitted in his declaration (record on appeal 1082-1084) that the disclosures were to refute allegations, further highlighting errors in the court's findings. These omissions underscore significant procedural flaws.

#The 5th District Court concealed key facts regarding Cantrell's unauthorized disclosure of patient information, including initial ophthalmology visit details and email correspondence, to a private investigator and the Dental Board. This information was disclosed without consent and was not motivated by public safety concerns, as indicated in the mental exam petition (record on appeal 24-145, 1887-1891, 4258-4469). Evidence shows Cantrell denied medical care to

conceal injuries and hired a private investigator after the small claims filing for retaliatory motives (record on appeal 530, 491, 579-586). Additionally, declarations included misleading statements about the patient's mental health aimed to protect Cantrell's interests, not public safety (record on appeal 1824-2003). The court minimized Cantrell's admissions, presenting crucial evidence in footnotes and downplaying its significance. By denying proper consideration of privacy breaches, retaliatory intent, and the appellant's 110 pages of exhibits, the court undermined due process and fairness. This failure emphasizes the need for reevaluation of claims to uphold justice.

Patient confidentiality and privacy rights take precedence over First Amendment claims, and evidence suggests Cantrell disclosed patient information for retaliatory motives, contrary to the anti-SLAPP statute's intent to protect free speech, not shield misconduct (Griswold v. Connecticut (1965); Navellier v. Sletten (2002)).

The 5th District Court erred in denying Riaz's opposition to the anti-SLAPP motion based solely on document organization, disregarding substantive evidence within the 110 pages of exhibits (record on appeal 1824-1870). The court failed to properly evaluate the merits of her claims, focusing on procedural issues instead of content, violating principles established in *Sweetwater Union High School Dist. v. Gilbane Building Co. (2019) 6 Cal.5th 931, 949*. Additionally, the appellant was not given an equitable opportunity to reorganize her submissions, contrary to fairness principles outlined in *California Teachers Association v. State of California (1999)*. This dismissal without consideration undermines due process, prioritizing form over substance and overlooking admissible, relevant evidence. Such errors led to an unjust and procedurally flawed outcome.

#The 5th District Court's ruling, which dismissed Riaz's claim of unfair competition for lack of identifying an actual unfair practice, relied on errors in fact-finding and the concealment of material facts. The court overlooked detailed evidence and arguments presented in rulings from November 14, 2023, and August 22, 2023, including sections on procedural violations, unfairness, and the anti-SLAPP motion. Key points regarding Riaz's allegations, evidence, and due process violations were not adequately considered, leading to an unjust dismissal. These rulings failed to properly assess the substance of her claims while emphasizing procedural defects over substantive issues. This flawed analysis raises concerns about fairness and procedural integrity in the court's approach.

5th district concealed that Judge Hillman concealed many material facts as discussed in Aug 22 23 ruling section of this and 5th district brief as well as section D of Nov 14 23 ruling arguments in this and 5th district opening brief regarding plaintiff filed response to orders as well as concealment of significant material fact by the 5th district court. Trial court disregarded the fact that the appellant is standing in the shoes of a patient/consumer/ member of the public who did not violate the dental practice act . Apart of concealing above facts, 5th district in error when failed to establish that Judge Hillman further failed to determine ("Under Camacho, *supra*, 142 Cal.App.4th at 1403-1405, the third element of unfairness applicable to plaintiff) (pg 4 of nov 14 23 ruling that how plaintiff could have reasonably avoided injury(see all causes of action) to herself when cantrell did not informed or consented his patient before reaching dental board of California with the erroneous assumption that he has right to exercise speech (by hiring third party investigator after the small claim case initiation)) over his patient right and violated California Privacy Rights Act of 2020 (CPRA), Health Insurance Portability and Accountability Act of 1996 ,Defendant violated AMA Ethics code, Principle iv AMA Code., Defendant violated Confidentiality of Medical Information Act (CMIA), breach of fiduciary duty, breach a contract and retaliated, For the reason to protect himself over his patient. (by hiring a third-party investigator and disclose pt information to investigator to collect more information on the pt without consent of his pt, appellant discovered these new fraudulent and privacy breach incidents after the filing the small claim case which was based on April 13 2021 incident , as these privacy breach incident occurred after the small claim case initiation) . see also appellant filed response to 820 mental order that are obtained without serving copy of petition on mental exam to pt/consumer and member of public :see hidden section 820 mental order (in above paragraph - error in nov 14 23 ruling section 3: D). 5th district court in error when it failed to establish that Evidence indicates Defendant cantrell did not state to DBCA that the document he is producing is to protect the public but to establish that the ophthalmology patient allegation against defendant cantrell is untrue.(see partition mental exam) See also "Specifically, Declaration Ms Riaz attorneys and Altura centers for health attorneys filed regarding MS Riaz mental Competency to participate in trial.These Declaration helped establish that Ms Riaz allegations against me were Untrue".(Plaintiff would like court to take judicial notice pursuant to evidence code judicial notice 452 declaration pg 8-9 Plaintiff Request For Judicial Notice In Support Of Plaintiff Opposition To Defendant Cantrell Demurrer, Motion To Strike Based On Portion Of Plaintiff's Complaint-Aug 8 22/record on appeal 1082-1084). Based on above

discussion it is apparent Judge hillman establishing ". Given that the Section 820 40 Order itself did not injure Plaintiff"(pg 4 of nov 14 23 ruling)" is erroneous biased and abuse of authority based on false fact finding due to judge hillman personal interest involved in the controversy of the case. . th district court in error when it failed to establish that for the sake of argument if goes with erroneous assumption of Judge hillman that " Given that the Section 820 Order Itself did not injure Plaintiff the Court finds that Plaintiff's admission that she did not respond to the Section 820 Order means that Plaintiff could have reasonably avoided the injury suffered, at least by responding to the Order"(pg 4 of nov 14 23 ruling, record on appeal 3398-4003)" is again based on judgehillman and 5th district false fact finding and concealing material facts(discussed in Aug 22 23 ruling section as well as section D of Nov 14 23 ruling arguments section of this petition.) as plaintiff responding to the DBCA and administrative board About July 6 22: Consumer/ ophthalmologist patient(Plaintiff) filed Notice and Motion of Participation, Notice and Motion to Strike." Order And petition compelling examination", Notice and Motion to Demurrer ,Requested Hearing, July 22 22: 207. Plaintiff (Consumer/ ophthalmologist patient)filed.Motion to vacate or set aside for cancellation of the (unlawful based on consumer/pt privacy breach) order granted without notifying respondent or other good cause with Exhibit A (32 pages). Memorandum of points,Proof of service,Affidavit, Proposed order.(See paragraph 208-216). Samreen Riaz reported to the Us office of special Counsel hatch act violations(initiated by Pretextual Steven Cantrell) and conspiratorial retaliation activities of Sara Wallace- Interim Executive Officer -Dental Board of California, Allan Falsienfield President Dental Board of California, Anahita Crawford -Attorney from the attorney general office, Joseph Tippins - Police Officer/ Investigator from the Dental Board of California .(See Paragraph 217-221) On Sept. 6 22: Plaintiff filed Notice of Defense, Notice and Motion to Strike, MOP "on Accusation", Notice and Motion to Demurrer Strike, MOP on "Accusation", Proposed order on above Motion.. Requested Hearing, Respondent Declaration and Opposition Statement in Response to "Request for Discovery" By Complainant Tracy Montez and Verification in response to Aug 23 22" Accusation" .(See paragraph 223- 231 fac(2426-2633)).(see record on appeal fac pgs 2444-2478,2513-2534.) . The 5th District failed to establish that just because the Attorney General's email violated Riaz's due process rights and took away her opportunity to contest the Board's order, it does not mean she was provided an "opportunity to be heard." Additionally, the 5th District erroneously failed to establish that the agency retained the authority to review and reconsider the hearing officer's decision, as seen in Frost v. State Personnel Board. The Attorney General's email stating that Riaz could not contest the order only strengthens her argument that she was denied the opportunity to be heard before the Board's decision of a mental examination against her. The decision of 5th district that "her claim is belied by the record" is erroneous and without merit(see below section 3:.Error in fact finding Nov 14 23 Section (F)). Plaintiff showed the falsity of Defendant statements with credible evidence ((Plaintiff would like court to take judicial notice pursuant to evidence code judicial notice 452 in the case vcu298300 of default entered against defendant Larocca and Raoul Severo Including defamatory statement about april 2024 on causes of action mentioned in a complaint vcu 298300), Ophthalmology pt produced following evidence: Cathy Meadow's testimony related to whistleblower activities. (Feb 2021), DR Sievert testimony demonstrating that the Plaintiff was competent to participate in the trial and work as a dentist without restriction, .(record on appeal pg 4122-4127). The administrative record shows that the plaintiff did not violate any dental practice act, which further supports the plaintiff's case against Cantrell's defamatory statements. (record on appeal pg 4122-4127).Riaz properly state a claim of unfair competition and identified an actual unfair practice including "an injury that consumers themselves could not reasonably have avoided." (Camacho v. Automobile Club of Southern California (2006) 142 Cal.App.4th 1394, 1403.)

#The 5th District Court's ruling ". Riaz's "right to practice" was not implicated by the order for a mental examination. [Citations.] The order did not immediately threaten [her] license, but was merely an authorized administrative inquiry, falling squarely within the police power to protect the public." (Fettigather, *supra*, 17 Cal.App.5th at p. 1347.) All told, the trial court appropriately held Riaz entirely failed to state a sufficient cause against Cantrell. "Riaz simply could have complied with the Dental Board's order" She instead chose to challenge the order" " but she was not successful because compliance with the order was required." was flawed, as it overlooked key facts and evidence. The mental examination order was issued without serving a copy of the petition to Riaz, violating her due process rights (record on appeal 4267-4269). Evidence supporting the petition for a mental exam was improperly obtained from Cantrell without Riaz's consent, after she filed her small claims case on April 13, 2021. Cantrell admitted his intent was to disprove Riaz's allegations, prioritizing self-preservation over public safety (record on appeal 1082-1084). Additional filings by Riaz, such as motions and notices on July 6 and September 6, 2022 (record on appeal 4270-4342), highlighted procedural violations. Testimonies, including Cathy Meadow's (Feb 2021) and Dr. Sievert's (record on appeal 4122-4127), demonstrated Riaz's competence and absence of any dental practice violations. Judge Sean Gevin confirmed that Riaz did not violate dental practice laws. These concealed facts and errors in the 5th District's analysis highlight significant due process violations requiring correction.

The 5th District Court's ruling was flawed as the mental examination order was issued without serving the petition to Riaz, violating due process rights under Article I, Section 1 of the California Constitution and CA Civ Pro Code § 473.5 (2020) (a)

(record on appeal 4267-4269). Evidence shows the order was based on improperly obtained information from Cantrell, who admitted his intent was self-preservation, not public safety (record on appeal 1082-1084). The Dental Board failed to provide a fair hearing or consider all evidence, violating procedural protections guaranteed under the Fourteenth Amendment and Administrative Adjudication Bill of Rights § 11425.10. Testimonies, including Dr. Sievert's, confirmed Riaz's competence and absence of dental practice violations (record on appeal 4122-4127). These errors highlight significant due process violations requiring correction.

#The 5th District Court's ruling was flawed due to procedural errors and violations of due process. The Dental Board issued a mental examination order without serving the petition to Riaz, violating Section 11517 of the Government Code and constitutional protections under Article I, Section 1 of the California Constitution (record on appeal 4267-4269). Evidence shows the order relied on inadmissible information obtained by Cantrell without Riaz's consent, breaching HIPAA and confidentiality laws (record on appeal 1082-1084). The Board failed to hold a full evidentiary hearing or reconsider the order despite objections, undermining fairness and integrity (record on appeal 1892-1897, 4258-4265). Testimonies, including Cathy Meadow's and Dr. Sievert's, confirmed Riaz's competence and absence of dental practice violations (record on appeal 4122-4127). The Board's actions, including reliance on inadmissible evidence and failure to entertain motions, violated procedural requirements and public interest policies outlined in *Frost v. State Personnel Board*. The trial court's decision lacked substantial evidence and failed to align with administrative efficiency principles, harming Riaz's professional and personal interests. These errors necessitate a de novo review to ensure justice and adherence to legal standards.

#The 5th District Court erred when found ophthalmology pt requiring compliance with an unconstitutional mental exam order based on inadmissible evidence obtained from Cantrell, who breached patient confidentiality and violated HIPAA laws (record on appeal 1082-1084). The petition was not served to Riaz before obtaining the order, undermining due process rights and procedural protections. Cantrell admitted in his declaration that the disclosures aimed to disprove Riaz's allegations for self-preservation rather than public safety. These violations justify Riaz's right to challenge the order, as compliance would be prejudicial to her rights and legally invalid. The case highlights significant due process failures requiring correction

Unjust or based on improper grounds:

The 5th District Court's ruling requiring compliance with the Dental Board's unconstitutional order was unjust, as the mental exam order lacked jurisdiction, violated Article I of the California Constitution, CA Civ Pro Code § 473.5 (2020)(a), and HIPAA laws (record on appeal 11505). **MALICE AND BREACH OF PROFESSIONAL DUTY:** Cantrell breached patient confidentiality, hiring a third-party investigator to discredit allegations for self-preservation. Riaz's challenge to the order was a legitimate exercise of her rights, justified by retaliatory motives behind Cantrell's actions (*Sweetwater Union High School Dist. v. Gilbane Building Co.* and *Navellier v. Sletten*). The Board's procedural errors and failure to provide due process validate the appellant's objections. These breaches of duty and fairness demand accountability and correction.

. 5th district and "Judge Hillman failed to establish "the agency retained the authority to review and reconsider the hearing officer's decision" but chose to not review their illegal order (report of the council, page 23, title Decision) *Frost v. State Personnel Board*, 190 Cal.App.2d 1, 3 (Cal. Ct. App. 1961)4, therefore Dental board failed to provide (a fundamental proposes) hearing on mental exam and failed to assure that all hearings would provide due process of law and be conducted in an orderly manner and not provided opportunity to present all the evidence before obtaining the mental exam order and order made without considering all the evidence and are prejudicial to the petitioner. **Legal Principle:** The right to challenge administrative orders is a fundamental aspect of due process and legal protections. Compliance should not be enforced at the expense of an individual's right to seek redress and fairness.

Cantrell's actions, including breaches of professional duty, privacy violations, and retaliatory motives, caused harm that consumers could not reasonably avoid (*Camacho v. Automobile Club of Southern California*). Holding individuals accountable for such misconduct is essential. Riaz's challenge to the order was a justified exercise of her legal rights to seek justice and remedy.

Conclusion: ophthalmology patient challenge to the Dental Board's order was a necessary and justified action to address the broader issues of professional misconduct, unfair practices, due process violation, and retaliation. Compliance with the order was not a simple or viable solution, given the serious allegations and ethical considerations involved.

#5th district in error when established "T]he governmental interest involved in requiring compliance "with a section 820 order is compelling," (Fettgather, *supra*, 17 Cal.App.5th at p. 1349.) Importantly, Riaz's "right to practice was not implicated by the order for a mental examination. [Citations.] The order did not immediately threaten [her] license, but was merely an authorized administrative inquiry, falling squarely within the police power to protect the public." (Fettgather, *supra*, 17 Cal.App.5th at p. 1347.) All told, the trial court appropriately held Riaz entirely failed to state a sufficient cause against Cantrell, and based it on concealment of fact and false fact finding as we discussed in this brief;

The 5th District Court erred in its ruling by requiring compliance with a Section 820 order, which was obtained without serving the petition to Riaz, violating due process rights under Article I, Section 1 of the California Constitution and CA Civ Pro Code § 473.5 (2020)(a) (record on appeal 4267-4269). The order relied on inadmissible evidence obtained by Cantrell, breaching patient confidentiality and HIPAA laws (record on appeal 1082-1084). Cantrell admitted his intent was self-preservation rather than public safety, undermining the legitimacy of the order. These procedural and factual errors highlight significant due process violations and justify Riaz's challenge to the order.

The 5th district established protected activity (which cantrel activity was not as we discussed in detail above)under Code of Civil Procedure section 425.16, subdivision (e)(4).12 ,an issue of public interest." but failed to Compensate Petitioner/ophthalmology patient, consumer member of the public for her loss or deprivation of money or property or for economic injury (Kwikset Corp. v. Superior Court (2011) 51 Cal.4th 310, 322.). (see Boom Co. v. Patterson (1879)-Eminent domain) .

The 5th District Court erred by failing to consider Cantrell's argument that his actions, including disclosing patient information without consent, were justified under the First Amendment, despite breaching patient confidentiality and HIPAA laws (record on appeal 1824-1851, 1841-1851). Evidence shows Cantrell's concerns were not for public safety but retaliatory motives psychiatric expertise, acted improperly by accepting Cantrell's submissions aimed at self-preservation rather than patient welfare. Cantrell denied medical care to conceal injuries and hired a private investigator for retaliatory purposes (record on appeal 24-145). These actions harmed the appellant, a consumer and member of the public, and violated professional and ethical standards.

The 5th District Court erred by comparing Riaz's case to *Fettgather v. Board of Psychology* (2017), as the two cases are not similarly situated (record on appeal 3398-4003, 2444-2453). Fettgather was a licensed psychologist, while Riaz is an ophthalmology patient with a dental license who did not violate the dental practice act. The court concealed significant facts, including allegations of pretextual retaliation and constitutional violations (SAC pg 19-22). These errors undermine the validity of the comparison and highlight procedural flaws in the court's analysis. Such concealment of facts raises concerns about fairness and due process in the ruling.

The Dental Board violated Section 11517 of the Government Code by failing to hold a full hearing before obtaining a mental exam order, which was issued without serving the petition to the ophthalmology patient, breaching due process rights (report of the council, page 23). The Board relied on inadmissible evidence obtained without consent, violating HIPAA and patient confidentiality laws (record on appeal 1082-1084). The agency ignored objections and failed to reconsider the order, undermining fairness and integrity in the decision-making process. Judge Hillman and the 5th District Court failed to establish the Board's authority to review and reconsider the hearing officer's decision, violating procedural requirements under *Frost v. State Personnel Board*. These actions led to significant harm to the petitioner's personal and professional interests, highlighting the need for de novo review to address due process violations and ensure justice.) Judge Hillman and 5th district judges failed to establish that the dental board(violated Section 11517 of the Government Code (a)) when has the authority to hear the case when the respondent filed a motion to set aside, demurrer and motion to strike a mental and not heard contested case by the agency or the hearing officer. "the agency itself hears the case, it decides it". (report of the council, page 23, title Decision) *Frost v. State Personnel Board* and violated Section 11517 of 49 the Government Code limitation of Hearing Officer's :*Frost v. State Personnel Board* outlined that When such a motion is made, the hearing officer must report the matter to the agency board. The board must then be convened to pass on the motion. This ensures that the decision is made by the appropriate authority). Judge Hillman and 5th district in error when failed to establish that the dental board as an "the agency retained the authority to review and reconsider the hearing officer's decision"

. The Board violated Section 11517 of the Government Code by failing to hold a full hearing and relying on inadmissible evidence obtained without consent, breaching HIPAA and confidentiality laws (*Frost v. State Personnel Board*). The Board's actions, including revoking the license and compelling a mental exam, exceeded its legal boundaries and violated public

Interest and policy. The trial court's decision lacked substantial evidence and was based on false fact-finding, harming the petitioner's professional and personal interests (*Kearl v. Board of Medical Quality Assurance*, 189 Cal.App.3d 1040). These procedural errors necessitate a de novo review to ensure justice and adherence to legal standards.

The 5th District Court failed to take judicial notice under Evidence Code Section 452 in case VCU298300, disregarding key evidence, including the default entered against Larocca and Severo and their false declarations relied upon by Cantrell. Plaintiff presented credible evidence, such as Cathy Meadow's whistleblower testimony (Feb 2021) and Dr. Slevert's testimony (record on appeal 4122-4127), confirming her competence and absence of dental practice violations. These omissions highlight significant procedural errors and factual inaccuracies in the court's analysis.

In Addition 5th district reach above conclusion based on concealment of fact and false fact finding and related arguments in 5th district ruling section of this brief as well a S298777 brief Section 1: Discrepancies and Error in 5th district opinion release on Feb 03 25. Section II: False and partial/selective FACT FINDING in the Background of the 5th district opinion; Section III: ERROR IN DISCUSSION SECTION of the 5th district opinion. Section B:Analysis. Section II. Demurrers. Also see concealment of facts and false fact finding in all sections Error in Facts Finding Aug 22 23 (based on Special Motion) in ruling. Section 1: A: concealment of facts 2:B:concealment of fact. 3:Error in fact 51 finding Nov 14 23 (A F) and C:Error in Dec 5 23 Ruling.

We have discussed in this brief 5th district concealed the fact that appellant alleges case *Fettgather v. Board of Psychology* (2017) 17 Cal.App.5th 1340 is not a similarly situated case . see 5th district concealed many significant facts such as in section (3:Error in fact finding Nov 14 23 Section (F): 5th district court and Judge Hillman erroneously compared the plaintiff concealed facts in section 3:Error in fact finding Nov 14 23 (5th district Judges and Judge Hillman concealed many significant facts that plaintiff alleges in relation to *Fettgather v. Bd. of Psychology* case that has not much similarities to Plaintiff case: (SAC pg 19- 22 Paragraph s) : "Fettgather was a licensed psychologist. However, Plaintiff is an ophthalmology patient (who happens to hold a dental license but not violate dental practice act) . Unlike Fettgather.... and violation of 14th, 4th 5 : (Cause of Action No. 10)

5th district in error when established "#Importantly, Riaz's "right to practice was not implicated by the order for a mental examination. [Citations.] The order did not immediately threaten [her] license, but was merely an authorized administrative inquiry, falling squarely within the police power to protect the public." (*Fettgather*, *supra*, 17 Cal.App.5th at p. 1347.) All told, the trial court appropriately held Riaz entirely failed to statute a sufficient cause against Cantrell . : Riaz, an ophthalmology patient who did not violate the dental practice act, had her privacy rights violated by Cantrell, who disclosed patient information without consent, breaching HIPAA and confidentiality laws (record on appeal 3959). The court overlooked procedural violations by the Dental Board, which relied on inadmissible evidence obtained unlawfully from Cantrell to issue a mental exam order without serving the petition to Riaz. Cantrell admitted his actions aimed to protect himself rather than public safety, indicating retaliatory motives (record on appeal 1082-1084). The order stigmatized Riaz, harming her professional reputation and implicating her right to practice, which is protected under the Fourteenth Amendment. These errors highlight significant due process violations and justify Riaz's challenge to the order. Riaz's right to practice was significantly implicated by the mental examination order, as it directly affected her professional reputation, was driven by retaliatory motives, and involved procedural and pt privacy violations. The order's impact extended beyond a mere administrative inquiry, threatening her career and professional standing. Therefore, the argument that her right to practice was not implicated is fundamentally flawed and fails to acknowledge the broader implications of the order.

The argument that Riaz's right to practice was not implicated by the mental examination order overlooks its broader implications. The order was issued without serving the petition to Riaz, violating due process rights and relying on

inadmissible evidence obtained by Cantrell without patient consent, breaching HIPAA laws (record on appeal 3959, 1082-1084). Cantrell admitted his actions aimed to protect himself rather than public safety, indicating retaliatory motives. The Dental Board failed to provide Riaz an opportunity to contest the order, proceeding with accusations and ultimately revoking her license on Oct 13, 2023, despite pending complaints in Tulare Superior Court. These actions harmed Riaz's professional reputation, stigmatizing her and undermining her career. The procedural violations and reliance on unauthorized evidence justify Riaz's challenge to the order, as her right to practice was significantly implicated and protected under the Fourteenth Amendment.

Error in 5th district opinion Section ii: The State's Demurrsers:

5th district in error when establishing false fact and opinion " . Second, the board published its complete discipline against Riaz on its website" There is no allegation or reason to believe the first order was published. In other words, it was a private, confidential process, until discipline was final. Governmental immunity is an affirmative defense properly raised by demurrsers. (See Quigley v. Garden Valley Fire Protection Dist. (2019) 7 Cal.5th 798, 807.)" based on concealment of fact and false fact finding:

The 5th District judges (Snauffer, Levy, and Fain) erred by failing to recognize the Administrative Judge's verbal instruction to keep the Plaintiff's record confidential, violating privacy laws such as CPRA, HIPAA, AMA Ethics Code, and CMIA. Evidence from the Administrative judge's ruling (record on appeal 4122-4127) supports the claim that the matter was not of public interest and should have remained a closed record. (Plaintiff / ophthalmology patient/member of public/consumer would like court to take judicial notice pursuant to evidence code judicial notice 452 of Administrative judge ruling record on appeal 4122-4127), "Closed records are records that are not available for public access12."Lawnsider.com, see also https://mdcourts.gov/reference/glossary" Furthermore, we are aware of no case that has immunized alleged breaches of preexisting legal obligations based on constitutional protection for the right to petition(Duracraft, *supra*, 691 N.E.2d at pp. 942-943, fn. omitted, *italics added.*)

The Dental Board of California revoked the plaintiff's license on October 13, 2023, citing non-compliance with a mental evaluation order issued on June 24, 2022. Evidence suggests the process remained confidential until the discipline was finalized, contradicting the 5th District's opinion. On February 17, 2023, the plaintiff discovered defamatory information publicly posted by the Dental Board before the final order, raising concerns about governmental immunity and procedural errors. Second: we know the final decision was in Oct 13 2023 ("notice of revocation due to non compliance with evaluation" on Oct 13 2023.(See RJD 6 record on appeal pgs 3982-3984,4064,4063,4068-4069) (record on appeal 4208-4210) (Order Denying Order on reconsideration Petition Issue on 21st day of August 23, (record on appeal 4122-4127,4128-4131)On Aug 17, 2022 , the dental board issued an accusation (case no 440 55 2022 00 01217) (See ruling pg 7 of 16/record on appeal 2774-2789).(see "Plaintiff claim is timely against state defendant and that Plaintiff identify from RJD 1 date of injury or damages is feb 17 23 record on appeal pg 2760,2758-2761 as well FAC paragraphs 232,233 (see record on appeal pgs 2509 ,record on appeal pgs 3764,2760)).

Riaz alleges that on February 17, 2023, she first learned through a potential employer, Ohare, that the Dental Board of California had publicly posted defamatory information, harming her reputation and trade (record on appeal pgs 3764, 2760). This discovery date is pivotal as it marks when Riaz became aware of privacy breaches and reputational harm. Her claim, filed on April 28, 2023, adheres to the discovery rule, falling within the statute of limitations.

#5th district in error when establishing an opinion"Clearly, even if the State conspired to maliciously institute administrative proceedings against Riaz's license to practice dentistry, it is immune under Government Code section 821.6. "And that Riaz did not sufficiently or specifically allege the State's employees acted beyond the scope of their employment "5th district judges in error when established "# The trial court properly found the State immune on this basis. (Cf. Government Code, §§ 818.4 & 821.2 [describing governmental immunities in licensing decisions].)" based on concealment of material fact and false fact finding:

I Scope and Limitations of Immunity: However 5th district judges concealed all the significant fact and error that appellant alleges in 5th district brief as well as below in this brief section 3: Error nov 14 23 ruling, error in dec 5 23 ruling (Record an

appeal 56 pg 4056) Section Ground 2..

II. Concealment and Breach of Professional Duty, III. Violations of Due Process and Procedural Rights: The 5th District Court's ruling failed to address significant misconduct, including breaches of patient confidentiality and HIPAA violations by Steven Cantrell, who disclosed Riaz's private information without consent (record on appeal pgs 4122-4127). The Dental Board's actions, including improper evidence use and denial of due process, undermined procedural fairness and professional duties (record on appeal pgs 1497, 835). Such breaches fall outside the scope of immunity under Government Code section 821.6 and raise concerns about ethical and legal violations.

IV: Retaliation motive and malice intent: Cantrell admitted in his declaration that he disclosed patient information to third parties without consent to protect himself and refute allegations against him, rather than prioritizing patient or public safety (record on appeal 1082-1084, 1871, 1878-1877). The 5th District Court judges failed to address this improper purpose and disregarded evidence of retaliatory motives and breaches of professional duties (record on appeal 2774-2789, 2385-2400). The complaint filed by Riaz highlights a dispute between a patient and healthcare provider, not a public safety concern (record on appeal 2711-2727, 2823-2838). Cantrell's actions, including hiring a private investigator instead of referring the patient for appropriate care, indicate malicious intent (record on appeal 24-145, 1986-1990). The court's failure to critically examine these facts undermines procedural fairness and due process.

V. Requirement for Accountability: Government Code section 821.6 does not shield public employees from accountability for violating professional duties, ethical standards, or procedural rights, as Riaz's challenge highlights the need for redress and integrity in administrative proceeding

In Conclusion: The immunity under Government Code section 821.6 does not extend to breaches of professional duty, retaliatory motives, or due process violations, as highlighted in Riaz's case. The 5th District Court erred by concealing facts and relying on false findings, failing to address significant allegations of misconduct, including privacy breaches and improper evidence use (record on appeal pg 4056). The court's ruling ignored evidence that state employees acted beyond their scope of employment and failed to ensure procedural fairness. Allegations of fraud, perjury, and ethical violations by Cantrell and the Dental Board were not adequately investigated. These errors undermine the integrity of the proceedings and call for accountability and justice.

The 5th District Court misapplied the quotation from State Dept. of State Hospitals v. Superior Court (2015) 61 Cal.4th 339, 346, treating Riaz's allegations as legal conclusions rather than factual claims. Significant factual allegations were concealed, including Cantrell's unauthorized disclosure of patient information to the Dental Board without consent, violating HIPAA and privacy rights (record on appeal 1082-1084). The Dental Board used improperly obtained evidence against Riaz, depriving her of due process by failing to notify her of the mental examination petition (record on appeal 2774-2789). Cantrell's retaliatory motives and procedural violations further harmed Riaz's trade and privacy rights (record on appeal 24-145). The revocation of Riaz's license on October 13, 2023, amidst ongoing legal proceedings (While Pending Petition F086809 California department (On Sept 7 23- Oct 26 23), and pending complaint or dispute in the Tulare Superior court About May 15 23.), highlights procedural failures that should have been addressed (record on appeal 4056).

that Attorney General sent an email to the Petitioner's various motions informing her that she could not contest the Board's order with motions or a request for a hearing. when Section 11517 of the Government Cod) @ allow such proceeding and the Dental Board decided the case based on the mental exam without providing the Petitioner an opportunity to present arguments or hear all the evidence, and did not entertain her objections, instead proceeded with accusations These actions are factual allegations, not merely legal conclusion.

The Plaintiff, an ophthalmology patient, argues that the 5th District Court's ruling concealed significant factual allegations, including claims that State employees acted beyond their scope of employment. These actions, being factual allegations rather than legal conclusions, should have been assumed true for the demurrer. The court improperly dismissed the complaint by mischaracterizing these factual claims as legal conclusions, thereby failing to address their substance. This approach led to an unjust finding of immunity under Government Code sections 818.4 and 821.2. The Plaintiff asserts that this mischaracterization and concealment of facts denied her a fair evaluation of her claims.

##Here, Riaz alleged her claims arose in July 2022, Her written government claim was submitted in April 2023, more than six months later. Accordingly, the claims were barred, at least insofar as they stemmed from the section 820

order: 5th district opinion:

First: Cantrell, an ophthalmologist, who is not a state defendant. The 5th District Court erred by failing to establish that Cantrell's actions, including the unauthorized disclosure of patient information, do not require a written government claim under the Government Claims Act (record on appeal 911.2). The procedural requirement for filing a tort claim does not apply to Cantrell's privacy breach, as his actions were independent of state defendants. Furthermore, Riaz discovered additional privacy and reputational harm caused by state defendants on February 17, 2023, which was unrelated to Cantrell's initial breach.

Secondly: The 5th District Court acknowledged that Riaz's claim against the State for publishing information on the Dental Board's website in February 2023 is not barred by the claims presentation requirement, as it pertains to publication rather than direct injury. However, the court failed to compensate Riaz for economic losses or deprivation of property, citing due process violations and eminent domain principles (record on appeal pgs 2471, 2509, 2758-2761, 3768). The appellant's deprivation of money or property or for economic injury (Kwikset Corp. v. Superior Court (2011) 51 Cal.4th 310, 322.). (see Boom Co. v. Patterson (1879)-Eminent domain). The state may not deprive a person of life, liberty, or property without due process of law. (U.S. Const., 14th Amend., § 1; Cal. Const., art.I, § 7.) The legal basis for eminent domain in the United States is found in the Fifth Amendment to the U.S. Constitution, which states, "nor shall private property be taken for public use, without just compensation"

.5th district and Judge hillman concealed the fact that Plaintiff alleges "Plaintiff claim is timely against state defendant and that Plaintiff identify from RJD 1 date of injury or damages is feb 17 23 record on appeal pg 2760,2758-2761 as well FAC paragraphs 232,233 (see record on appeal pgs 2509)

Third: The 5th District Court deemed Riaz's claim, submitted on April 28, 2023, untimely under Government Code § 911.2, as it was filed more than six months after the alleged harm. However, Riaz contends that she first became aware of the defamatory information posted by the Dental Board of California on February 17, 2023, through a potential employer, Ohare. This discovery date is pivotal, as it aligns with the discovery rule, which starts the statute of limitations when the plaintiff knew or should have known about the harm. Riaz argues that her claim was timely based on this discovery date (record on appeal pgs 3764, 2760)

Fourth: The Dec 5, 2023, ruling contains errors regarding the applicability of the Tort Claim Form exemption. It failed to establish that breach of contract claims do not require a Tort Claim Form and incorrectly treated Section 1983 claims as requiring compliance with the California Tort Claims Act, despite established precedents like *Wilson v. Garcia* (1985), which classify Section 1983 claims as personal injury actions exempt from such requirements. Additionally, injunctive and declaratory relief, as well as property recovery, are exempt from the Tort Claims Act. These errors undermine the ruling's validity (record on appeal pgs 4051-4062).

Appellant principally seeking injunctive relief therefore not subject to comply with the Tort Claims Act as "money and damages" due to license revocation being incidental (liable to happen as a consequence) to the claim for injunction relief *Snipes vs city of Bakersfield* (1983) .

Under Code of Civil Procedure section 430.10, subdivision (e), causes of action one through eight, eleven through nineteen, and twenty-one are not barred as they stem from breach of contract claims against State Defendants and Cantrell, which do not require compliance with the Government Claims Act (Gov. Code, § 810 et seq.). Additionally, federal law-based claims, such as those under Section 1983, are exempt from the claim presentation requirements, as established in *Williams v. Horvath* (1976) 16 Cal.3d 834, 842. This includes claims for injunctive relief, declaratory relief, and property recovery.

.Antitrust and Unfair Competition: These claims are distinct from tort claims and are addressed under specific antitrust and competition laws. Although we have discussed above, appellant claims are exempt from tort claim but still appellant showed due diligence and applied tort claim within 6 months for the injury discovered on feb 17 23 as 64 provided in tort application form dated april 28 23. However For the sake of argument, if goes with the privacy breach date july 5 22 as initiation of date of injury still a 5th district failed to apply . Equitable Tolling and Estoppel apply see C:Error in Dec 5 23 Ruling: Section Equitable Tolling and Estoppel of this brief. See also section C:Error in Dec 5 23 Ruling: Section error #26

Tolling and equitable estoppel: see section below 5th district failed to apply the Equitable estoppel and tolling

Invoked by ophthalmology patient to extend the filing period for complaint due to pending petition in administrative court, extraordinary circumstances and based on state defendant misleading action and conditions Equitable Tolling and Estoppel are met:(See complete argument and concealed fact related to equitable tolling and estoppel in section C:Error in Dec 5 23 Ruling: Section Tolling and equitable estoppel:)

The 5th District failed to apply equitable estoppel to extend the filing period, despite administrative proceedings starting on June 24, 2022, and the appellant learning of privacy breaches on July 5, 2022. The appellant argues that the timeline for filing complaints should begin from the final decision and order issued on October 13, 2023, with the license revocation effective October 16, 2023, aligning with tolling principles approved by the Supreme Court for alternative legal remedies (record on appeal pg 3765). Honeywell v. WCAB (Wagner), Shoreham Hills, LLC v. Sagaponack Dream House, LLC.

Supreme court approved tolling state court actions against government agencies while plaintiffs sought alternative relief in the federal courts for the same injuries. (See Addison v. State of California (1978) ; Jones v. Tracy School Dist. (1980) .therfore timeline for filing complaints for appellant is extended while she pursued alternative legal remedies in admisrtaive board and dental board . "the standard rule that [accrual occurs when the plaintiff has 'a complete and present cause of action.' Bay Area Laundry and Dry Cleaning Pension Trust Fund v. Ferbar Corp of Cal ,52.2 U. S.. 192, 201 (1997) that is, when "the plainXXtiff can file suit and obtain relief," Bay Area Laundry, supra, at 201 The U.S. Supreme Court in Wallace v. Kato, 549 U S 384, 38.8.(2007), stated that a claim accrues "when the plaintiff has a complete and present cause of action."(record on appeal 3765). Plaintiff Causes of action would not be complete until license is revoked oct 16 2023 .

Government Code section 821.6 and not part of the administrative proceedings related to her professional conduct;

The ophthalmology patient claims that the Dental Board's publication of information regarding Riaz's license is not protected under Government Code section 821.6, as it was unrelated to administrative proceedings concerning professional conduct, safeguards, violating HIPAA regulations and due process. The 5th District failed to assess whether these actions fell outside the scope of immunity provided by section 821.6.

Riaz suffered harm from the Dental Board's publication and administrative proceedings, including reputational damage, financial loss, confidentiality breaches, and procedural violations, significantly impacting her career, well-being, and legal right

#The 5th District erroneously ruled that Riaz's claim was "belied by the record." despite evidence showing she was not served the petition for a mental exam and denied due process before the order was obtained. The Attorney General's email further violated her rights by preventing her from contesting the order, and credible evidence demonstrated her competence and lack of violations of the dental practice act (record on appeal pgs 4122-4127)

Plaintiff showed the falsity of Defendant statements with credible evidence ((Plaintiff would like court to take judicial notice pursuant to evidence code judicial notice 452 in the case vcu298300 of default entered against defendant Larocca and Raoul Severo including defamatory statement about april 2024 on causes of action mentioned in a complaint vcu 298300), Ophthalmology pt produced following evidence: Cathy Meadow's testimony related to whistleblower activities. (Feb 2021), DR Sievert testimony demonstrating that the Plaintiff was competent to participate in the trial and work as a dentist without practice act, .(record on appeal pg 4122-4127). The administrative record shows that the plaintiff did not violate any dental 4122-4127)

The 5th District erroneously ruled that Riaz's challenges were rejected, despite evidence showing she was denied due process and the opportunity to contest the mental exam order issued without serving the petition. The agency failed to retain authority to review the hearing officer's decision,(report of the council, page 23, title Decision)Frost v. State Personnel Board, 190 Cal.App.2d 1, 3 (Cal. Ct. App. 1961)4, and procedural errors, including reliance on inadmissible evidence breaching HIPAA, warrant setting aside the order to protect the integrity of the process (record on appeal pg 4122-4127).. 5th district failed to eastablished just because attorney general belied in email inorder to violate riaz due process right and took away opportunity to contest the Board's order(that were issued without serving petition on mental exam to appellant before obtaining order) with motions or a request for a hearing doesnot mean she was provided "opportunity to be heard"

.Sara Wallace prayers on mental exam presented solely to dental board president (when has no such authority, see the report of the council, page 23, title,) and not by voting by all the board members, and without hearing all the evidence or

hearing all the admissible evidence(disregarding adaptation of the rule of the Morgan cases in the United States Supreme Court) and utilized only inadmissible evidence obtained on ophthalmology patient without her consent or knowledge (breach hipaa and pt confidentiality)from her ophthalmologist therefore improper procedure has been adopted and the procedural error was sufficient that warrant setting aside the order to maintain the integrity of the decision-making process and ensures that the rights of the parties involved are protected.

"At the actual hearing to determine discipline for noncompliance, Riaz declined to testify. Her "repeated refusal to engage in the statutory process undermines [her] claim that [s]he was deprived of due process of law." (Feltgather, *supra*, 17 Cal.App.5th at p. 1348.)

The 5th District concealed facts regarding the May 22, 2023, administrative hearing, where Riaz requested a continuance due to extraordinary circumstances, including her attorney's absence. Despite this, the judge proceeded unilaterally, depriving Riaz of due process and a fair opportunity to engage in the statutory process (record on appeal pg 2314).

Riaz alleged that the defendants conspired to conduct a bad faith investigation for retaliatory reasons, breaching patient confidentiality and violating antitrust laws under the Sherman Act. She argued that regulatory bodies conspiring against competition are not immune from antitrust allegations, citing *North Carolina State Bd. of Dental Examiners v. FTC* (2015) as precedent.

The 5th District erroneously dismissed Riaz's antitrust allegations as mere legal conclusions, despite evidence of retaliatory motives and conspiratorial actions by the Dental Board and associated parties. Riaz presented claims of misconduct, including breaches of confidentiality, HIPAA violations, and misuse of inadmissible evidence, which impacted her rights and professional reputation. The administrative record supports her case, showing no violations of the dental practice act. These actions, driven by anti-competitive motives, fall under antitrust laws and warrant judicial scrutiny to ensure compliance with federal free-market safeguards (record on appeal pgs 2444-2478, 2513-2534, 4122-4127).

The Supreme Court in *North Carolina State Bd. of Dental Examiners v. FTC* clarified that state-action immunity does not shield actions violating antitrust laws. The 5th District Court unjustly dismissed Riaz's antitrust claims by mischaracterizing her factual allegations as legal conclusions, neglecting substantive evidence and context that warranted thorough judicial scrutiny.

Appellant raised claims regarding judicial disqualification rulings based on her due process rights violation :

Appellant raised claims of judicial bias against Judge Hillman, asserting that his failure to recuse himself despite personal interest in the case led to false fact-finding and erroneous rulings. Evidence presented included complaints to the judicial council, reports of misconduct, and a pattern of bias, violating appellant's due process rights under the Fourteenth Amendment and Article 1, Section 7 of the California Constitution. These extreme circumstances demonstrate actual bias, warranting reversal of rulings to ensure fairness and impartiality (record on appeal pgs 4051-4062, 4122-4127).

Plaintiff faced prejudice due to Judge Hillman's failure to recuse himself, as this denied her the favorable low-burden standard for recusal under Code of Civil Procedure Section 170.1, subdivision (a)(6)(iii). This error forced the appellant to meet a significantly higher standard for recusal on appeal, compounding the difficulty of addressing judicial bias. The denial of motions to disqualify Judge Hillman and counsel Cantrell further highlights procedural errors and abuse of authority (record on appeal pgs 4051-4062).

Argument based public policy: the appellant's case raises significant public policy concerns, including judicial religious bias and whistleblower retaliation, which impact public interest and the due administration of justice. These issues involve violations of due process and First Amendment rights, as well as matters of public safety and corruption (record on appeal pgs 2444-2478). (*Catchpole v. Brannon*, *supra*, 36 Cal.App.4th at p. 244.)

Reminding the court that concerns are more than the instant Appellate rights and public confidence in the judiciary are at stake: The appeal emphasizes the broader implications of judicial bias, highlighting its impact on public confidence in the judiciary and the protection of civil, constitutional, and equal rights. The petitioner, an ophthalmology patient and whistleblower, asserts her right to petition the government without discrimination or retaliation while participating as a witness in court proceedings. This case underscores the importance of safeguarding public interest and justice (record on appeal pgs 4051-4062, 4122-4127).

ARGUMENTS PRESENTED TO APPEAL COURT:

all arguments are available for review in the original petition s289777(filed MArch 12 25) pgs 109-221 and crucial in examining the petition.

5th District, acting as (snauffer, Levy, and Fain) judges failed to establish fact that Plaintiff / ophthalmology patient/member of public/consumer (who didnot violate dental practice act record on appeal pg 4122-4127) alleged that there is an A:Error And Bias in Facts Finding In Aug 22 23 Ruling(2) Special Motion To Strike by the Judge hillman due to Judge Hillman Personal interest involved in the Controversy of the case: (see record on appeal: 2774-2789,2711-2727,2385-2400,2355-2370,2823-2838,2861-3005,349-534,1380-1421,1422-1567,1568,2085-2095,2096-2241,2409-2411)

Petitioner removed Errors in Facts Finding 1-7 from Aug 22 23 (based on Special Motion) section from this petition..However, all 1-7 Errors in Facts Finding 1-7 from Aug 22 23 (based on Special Motion) is available for review in the original petition(filed MArch 12 25) pgs 109-122 and crucial in examining petition.

I. Plaintiff / ophthalmology patient/member of public/consumer suit is not a SLAPP suit and Anti Slapp Motion in the first place brought by the defendant to utilize it for Potential extra judicial action, retaliation in support of corrupt government official such co conspirator in this case: Petitioner removed errors in these sections from this petition in order to comply with this court rules .However, all above section discussion is available for review in the original petition s289777(filed MArch 12 25) pg 124-127 and crucial in examining petition.

B: The 5th District judges (Snauffer, Levy, and Fain) failed to established that B: Judge Hillman is in error in comparing Ophthalmology Patient/Consumer/Member of public case with Steed v Department Of consumer affair, Murray v Tran, 55 Cal.App.5th 10, Health smart pacific inc vs Kabateck(2016) 7 cal App 5th 416 429, Yang v tenet health care inc 2020 48 cal app (pg8- 9 of 16 ruling record on appeal 2774-2789) when these cases has not similarities to plaintiff case:

Petitioner removed from this section Errors comparing dissimilar cases from this petition in order to comply with 5th district order issued in this case on march 13 25.However, all above section discussion is available for review in the original petition a298777(filed MArch 12 25) pg 127-129 and crucial in examining petition.

DISCUSSION:

Petitioner removed from discussion section :1-Special motions to strike/standard of review, Section Prong One: Protected Activity, Section Prong Two: , Section Trial court Improperly takes Judicial notice , section Exempt from public Interest Lawsuits , Section Defendant Cantrell statement not fall within subdivision e, Section Error in Judge hillman Ruling summary , Section CAS Malpractice.. Discrimination , Fraud ,IIED & Retaliation, Section Defendant Motion was not timely, Section Error in Awarding attorney Fees, Section Discussion Res Judicata and Statute limitation , Section Trial not fair(Without Jury) from this petition in order to comply with rules of brief comprise of 40 pages .However, all above section discussion is available for review in the original petition(filed MArch 12 25) pg 129-160 and crucial in examining petition.

B: 5th district judges is in error when failed to establish that B: Judge Hillman is in error, abused authority and showed bias in nov 14 23 ruling when (1) sustain the demurrer without leave to amend: (2) To find the motion to strike moot, as no causes of action remain against Dr. Cantrell and deny 3) Motion to disqualify counsel(record on appeal 3041-3050 4)Motion to preserve (record on appeal 3077-3079) 5)Motion to continue Due to Judge hillman personal interest involved in the controversy of the case:(see 2861-3005,349-534,1380-1421,1422-1567,1568,2085-2095,2096-2241,2409-2411,3143-3342)

5th district judges is in error when failed to establish that .Judge Hillman concealed the fact that Plaintiff / ophthalmology patient/member of public/consumer alleges Defendant Cantrell attorney failed to comply with meet and confer requirement before filing motion to strike pursuant to CCP S 435.5 (a) failed to made good faith effort to meet in person or by telephone(2)5 days or any time before with the plaintiff for the purpose of determining if an agreement can be reached that resolves the objections to be raised in the motion to strike

. 5th district judges is in error when failed to establish that Judge hillman concealed the fact In nov 14 23 ruling (record on appeal 3398-4003 that Plaintiff / ophthalmology patient/member of public/consumer alleges in Response to defendant cantrell

demurrer Many Discrepancies And Inaccurate Assertions In Background Section Of Defendant Cantrell Counsel Demurrer : (see Plaintiff Response To Defendant Cantrell Demurrer filed on Oct 29 23) "(see record on appeal 3080- 3830)

5th district judges is in error when failed to establish that Judge hillman also failed to take judicial notice pursuant to evidence code judicial notice 452 of the document plaintiff requested on Oct 29 23 and mentioned below:

1:A:5th district judges is in error when failed to establish that 1:A:Judge Hillman concealed the fact that Plaintiff / ophthalmology patient/member of public/consumer alleges that Defendant's assertion that "Cantrell examined plaintiff eyes and his findings were normal" is not an accurate statement.(5th district judges is in error when failed to take judicial notice pursuant to evidence code judicial notice 452 VCU298300 complaint paragraph 499,500, record on appeal pgs 2426-2633). .

2:B:5th district judges is in error when failed to established that 2:B:Judge Hillman concealed the fact that Plaintiff / ophthalmology patient/member of public/consumer alleges that Defendant Cantrel counsel made inaccurate and untruthful statement "Cantrel suggested Plaintiff consult with Dr Holt (Strabismus Specialist)Plaintiff then accused Dr.Cantrell of racial discrimination"Dr Cantrell declined to establish doctor patient relation and did not charge for the office visit". 5th district judges and .Judge Hillman concealed the fact that Plaintiff alleges that "Plaintiff did not accuse or mention racial discrimination to defendant Cantrell when he referred plaintiff to Dr.Holt. Defendant further made untruthful suggestion or accusation when stated that after plaintiff accused of racial discrimination defendant cantrell declined to establish dr patient relationship."

Petitioner removed 1:A: concealment of facts 2:B:concealment of facts from this petition in order to comply with rule of this court to file brief within 40 pgs.However error is available for review in the original petition s298777(filed MARCH 12 25) pg 162-163 well as No: F087504 brief filed in 5th district court and crucial in reviewing this petition. 3:ERRORS IN FACT FINDING FROM NOV 14 23 :(record on appeal 3398-4003) Ruling : (5th district judges failed to established appellant alleges error in ruling Due TO JUDGE HILLMAN PERSONAL INTEREST INVOLVED IN THE CONTROVERSY OF THE CASE :(see record on appeal: 2774-2789,2711-2727,2385-2400,2355-2370,2823-2838, 2861-3005,349-534,1380-1421,1422-1567,1568,2085-2095,2096-2241,2409-2411) Petitioner removed ERRORS IN FACT FINDING FROM NOV 14 23

Petitioner removed ERRORS IN FACT FINDING FROM NOV 14 23,Section A: concealment of facts:Section B:concealment of facts,Section 3:Error in fact finding Nov 14 23 (A_F),Section 4:Error in deny "EX PARTE MOTION TO DISQUALIFY COUNSEL CANTRELL, 5:Error stricken Motion to disqualify Judge under CCP 170.1 and CCP 170.6 from this petition in order to comply with 5th district order issued in this case on march 13 25.However error is available for review in the original petition s289777(filed MARCH 12 25) pg 168-179 well as No: F087504 brief filed in 5th district court and crucial in reviewing this petition.

C:Judge Hillman Dec 5 23 Ruling(record on appeal 4051) is in error, biased and abuse of authority based on (1) State Defendants' Demurrer; (2) Plaintiff's Motion for Leave to Amend; and (3) State Defendants' Motion to Strike e Due TO JUDGE HILLMAN PERSONAL INTEREST INVOLVED IN THE CONTROVERSY OF THE CASE :(see record on appeal: 2774-2789,2711-2727,2385-2400,2355-2370,2823-2838, 2861-3005,349-534,1380-1421,1422-1567,1568,2085-2095,2096-2241,2409-2411):

Petitioner removed C:Error in Dec 5 23 Ruling. 1: Tort Claim Form EXEMPTION A:Error not establish breach of Contract not required Tort Claim Form B: Error not establishing 1983 not not a prerequisite tort claim from this petition in order to comply with this court rules.However error is available for review in the original petition s289777(filed MArch 12 25) pg 182-185 as well as No: F087504 brief filed in 5th district court and crucial in reviewing this petition.

Petitioner removed 2:Error Ground No. 1 -7 from this petition in order to comply with rules of the court.However error is available for review in the original petition(filed MArch 12 25) pg 188-214 and crucial in reviewing this petition.

10: 5th district judges and 10: (2) Judge hillman is in error abuse authority and showed bias when deny Plaintiff's Motion for Leave to Amend / Joinder (see record on appeal 3439-3446) when Plaintiff presented sufficient Facts, Authority and Analysis in Plaintiff's motion for leave to amend as an attempt to demonstrate the necessary reasonable probability to grant leave to amend on the demurrer; Petitioner removed 9 (leave to amend) and 10; deny adding defendants city of visalia and VPD from this petition in order to comply with the court rules.However error is available for review in the original petition(filed

MArch 12 25)s289777 pgs 215-217 well as No: F087504 brief filed in 5th district court and crucial in reviewing this petition .

11:5th district judges failed to establish that Judge hillman due to his personal interest involved in the controversy of the case deny adding defendants including Mark Feller, Nelson David, Branderhorst, Connor, Richard Rubalcaba (City Of Visalia, Visalia police department) and Josh Dan, Jesse Villegas Code enforcement, Officer of City of Visalia in their official and personal capacity as employee of City of Visalia. Attorney City Visalia :HERR PEDERSEN & BERGLUND LLP and McDonalds as necessary parties to join to this action(record on appeal 3446-3450)

Petitioner removed 5th district judges failure to establish many relevant facts from this petition in order to comply with rules. However error is available for review in the original petition(filed MArch 12 25) S289777pgs 218-221 well as No: F087504 brief filed in 5th district court and crucial in reviewing this petition

XX

(Conspiracy to interfere with Civil Rights 42 USC \$1985, 18 USC,\$371(conspiracy to defraud the united states), S1512(K) Conspiracy to obstruct official proceeding, 18 U.S.C.S1512(C)(2),(attempt to obstruct official proceeding) ,18 USC S241(conspiracy against right)

Judge hillman did not not mention the facts in an impartial manner from the paragraph 1.2 and 83 in the complaint record on appeal 24-145) where Plaintiff / ophthalmology patient/member of public/consumer alleged that she is Harmed because of the following acts : A:Defendant Cantrell acted with malice, committed fraud and involved in conspiracy misrepresented and mislead facts, shared documents unlawfully obtained by breaching Pt confidentiality thru Deceit, discrimination, retaliation, harassment, intimidation to harm personal and professional reputation of the Plaintiff / ophthalmology patient/member of public/consumer in the society and Marketplace.(See complaint paragraph 12,83, 196-216 11 record on appeal 24-145 , record on appeal 24-145, 1992,790, See paragraph 8, 24-29,468,30-55 record on appeal pgs 1887-1891, 1891-2951, 737-753) ' In order to establish liability based on conspiracy, the plaintiff must show the defendant and at least one other concurred in the tortious scheme with knowledge of its unlawful purpose. (Ahrens v. Superior Court (1988) 197 Cal. App. 3d 1134, 1150 [243 Cal. Rptr. 420].) The requisite concurrence and knowledge may be inferred from the nature of the acts done, the relation of the parties, the interests of the alleged conspirators as well as other circumstances. (Chicago Title Ins. Co. v. Great Western Financial Corp. (1968) 69 Cal. 2d 305, 316 [70 Cal. Rptr. 849, 444 P.2d 481].

Judge hillman failed to present fact that Plaintiff / ophthalmology patient/member of public/consumer alleged that due to exposing conspiracy Involving Judge hillman and defendant plaintiff was targeted by visalia police with excessive force, potential quid pro quo extra judicial event to intimidate further court witness, influence court proceedings and retaliate toward plaintiff for disclosing organized crime involving steven cantrell, judge hillman and law enforcement or government official and are reported for criminal investigation.(See Plaintiff declaration and judicial request filed on Aug 2 23, Exhibit B Petition Disqualify along with sub exhibit D and E record on appeal 1815 ,1330-1377,1706,1809) .(see pg 9-10 of Plaintiff Objection To The Defendant Cantrell Counsel Anti Slapp Special Motion record on appeal 1824-1851 see Court fAppealNo:F087504 brief pg 18 dated July 22 24

Judge hillman failed to present facts that Plaintiff / ophthalmology patient/member of public/consumer alleged many other causes of action such as Conspiracy, IIED, breach of contract, Personal Injury, Equal protection claim, UCL, Anti Sherman Act Anticompetitive, Unreasonable restraint of trade, Breach of fiduciary duty, Professional, Intentional tort, negligence, Vicarious liability, privacy right violation, Fraud, deceit and malice(see complaint Paragraph 781,796,890,900,759,753,732,727,708,692,671,129 record on appeal 24-145) See F087504 brief filed in 5th district court Pg 21

Plaintiff / ophthalmology patient/member of public/consumer would like court to take judicial notice pursuant to evidence code judicial notice 452 in the case vcu298300 of default entered against defendant Larocca and Raoul Severo (APril 2024) for the following causes of action legal malpractice including for filing false declaration regarding plaintiff health , Will Full Negligence, vicarious liability ,Professional Negligence,Breach Of fiduciary Duty, unreasonable restraint on trade, Antitrust activity , unfair competition law, equal protection claim, Conspiracy 18 USC S1512K, S1512(C)(2),18 USC S241, Defamation, Intentional infliction of emotional distress, Punitive damages, Retaliation, breach of contract, Personal Injury, Fraud , A-VIOLATION OF THE FIRST US CONSTITUTION (42 U.S.C. §

1983), VIOLATION OF ARTICLE 1 §§ 2, 3 OF THE CALIFORNIA CONSTITUTION CAL. CODE CIV. PRO. § 527), 42 U.S.C. §1983, part of the Civil Rights Act of 187. Plaintiff would like court to take judicial notice pursuant to evidence code brief filed in 5th district court Pg 24

I. Plaintiff / ophthalmology patient/member of public/consumer suit is not a SLAPP suit and Anti Slapp Motion in the first place brought by the defendant to utilize it for Potential extra judicial action, retaliation in support of corrupt government official such co conspirator in this case(See F087504 brief filed in 5th district court pg 25)

Plaintiff in this case is 0.2 percent muslim immigrant minority, women of color, patient, member of public, consumer, court witness who is going thru whistleblower retaliation and organized violent crime due to her testifying in matter of public safety issue in the court, whose privacy breached by conspiratorial activity among defendants with the intent to intimidate retaliate court witness when Plaintiff was vindicating legal right of her thru court proceedings.(Plaintiff would like court to take judicial notice pursuant to evidence code 25 judicial notice 452 record on appeal 33-41, 1901-1909, 30-32, 1898-1900 , 1910-1912) .In contrast, Defendant Cantrell Motion and misconduct along with conspiracy with Dental board and potential ties with organized crimes against court witness fits itself for a SLAPP Suit where defendant cantrell actions forced ophthalmology patient/ consumer / member of public/court witness to devote her time, energy and financial resources to combating the frivolous Anti Slapp Motion lawsuit and other conspiratorial and retaliatory misconduct for the purpose to substantially diminished plaintiff ability to litigate her right in the court on a matter related to public safety.

Judge hillman abuse discretion when made erroneous ruling on(Pretextual retaliatory) frivolous slap suit to deter or punish plaintiff from her legitimate legal right due to Judge hillman personal involvement as co conspirator in this case. (Plaintiff / notice 452 in the case vcu298300 of default entered against defendant Larocca and Raoul Severo and Complaint vcu298300 where judge hillman is co conspirator with defendant in this case in april 2024) when Plaintiff/Ophthalmology patient , member of public and consumer case is not a Slapp suit and has merits.Defendant cantrell made statements and disclosed patient F087504 brief filed in 5th district court Pg 26

Judge Hillman is in error when not establishing that Defendant conduct falls in Categories of speech that are not protected by the First Amendment and therefore restricted as his speech integral to illegal conduct, and incites imminent lawless action such as Defendant cantrell conduct of fraud, conspiracy(18 usc S124) has false statements of fact, .Class exception.where——— law was defended against a First Amendment free speech challenge. See F087504 brief filed in 5th district court Pg 48

Defendant frivolous SLAPP Suit cannot protect defendant from causes of action including Medical Malpractice , Discrimination ,Professional negligence Conspiracy Fraud ,IIED , Retaliation and other causes of action as this statute is not a license to breach a contract, or breach of fiduciary duty toward his patient based on the defendant's erroneous assumption that he has right to exercise free speech over his obligations toward his patient rights such as by violating of California Privacy Rights Act of 2020 (CPRA), Health Insurance Portability and Accountability Act of 1996 , violating AMA Ethics code, violating Principle iv AMA Code, violating Confidentiality of Medical Information Act (CMIA).Judge hillman is in error establishing defendant cantrell conduct was exercising free speech . Court is error in finding defendant cantrell conduct of disclosing his patient information to third party(fraud/prohibited practice in small claim) to gain document in first place to protect himself(from malpractice liability or to find an explanation for defendant cantrell decision to refuse to see patient claim) and then reaching to dental board to harm patient and cause restrained to plaintiff trade by giving misleading information by considering it his protected 50 activity or free speech right.Defendant did not mentioned to DBCA that it was related to protecting public.Administrative board ordered to concealed information produced by defendant Cantrell on ophthalmology patient from public view See F087504 brief filed in 5th district court . Pg 50

06/26/22: Samreen Riaz reported to the Us office of special Counsel hatch act violations(initiated by Pretextual Steven Cantrell) and conspiratorial retaliation activities of Sara Wallace- Interim Executive Officer-Dental Board of California, Allan Falsienfield- President Dental Board of California, Anahita Crawford-Attorney from the attorney general office, Joseph Tippins-Police Officer/ Investigator from the Dental Board of California .(See Paragraph 217-221 fac(2426-2633) See F087504 brief filed in 5th district court Pg 69

,"Plaintiff requested Preservation of the record on Medical malpractice(res judicata/as it relate to small claim)(see pg 156 of FAc),IIOD (see FAC pg 197) , Conspiracy (see Fac pg184), retaliation(see FAC pg 197), fraud (Pg 203), breach of fiduciary duty(see FAC pg 168),discrimination(res judicata/as it relates to small claim), defamation(where it pertains to small claim case) against Defendant Cantrell for Future Appeal. (see record on appeal 2426-2633- See F087504 brief filed in 5th district court PgPg 80

Judge hillman failed to establish that the State defendens were not able to proceed to revoke or suspend lissence on the patlent of ophthalmology if in first placed not involved themselfe in act of breach ophthalmology Patient Privacy right (California Privacy Rights Act of 2020), (CPRA), patient confidentiality (Confidentiality of Medical Information Act (CMIA) and HIPAA breach(Health Insurance Portability and Accountability Act of 1996) by conspiring(Conspiracy to interfere with Civil Rights 42 USC \$1985, 18 USC, S1512K, 18 USC S241) with ophthalmologist of Patient/Plaintiff for Pretextual witness tampering and intimidation of court witness in public health and safety matters and obstruction of justice purposes and based on above violation initiate proceeeding under section 820 (hidden from plaintiff until obtained psychological exam order, act not authorized by law, beyond the scope of the state defendant employment duty, not a discretionary act and outside the scope of employment duties, not proceeded in administrative board following due process, has no legal standing in administrative board and no jurisdiction in issuance of business and profession code section 820) and instead of vacating unlawful disputed order, conitued (accrual of causes of action) above (not authorized by law, beyond the scope of the state defendant employment duty, not proceeded in administrative board following due process, has no legal standing in administrative board and no jurisdiction in issuance of business and profession code section 820).actions by bringing" Accusation " to suspend/revoke license of Patient of ophthalmology/consumer and member of public. therfroe immunity under S 818.4 public entity , S 821.2 and Government Code section 821.6.(record on appeal pgs 4343-4399,4399-4435 See F087504 brief filed in 5th district court Pg 95

XThe state defendant harmed the patient/consumer and violated section code 1600 by violating dental practice act when breach ophthalmology Patient Privacy right (California Privacy Rights Act of 2020), (CPRA), patient confidentiality (Confidentiality of Medical Information Act (CMIA) and HIPAA breach(Health Insurance Portability and Accountability Act of 1996) by conspiring(Conspiracy Civil Rights 42 USC \$1985, 18 USC, S1512K, 18 USC S241)) with ophthalmologist of Patient/Plaintiff for Pretextual witness tampering and intimidation of court witness in public health and safety matters and obstruction of justice (18 usc section 1512(c) (2)) purposes and further based on above violation initiate proceeding under section 820(hidden from plaintiff to obtained order from psychological exam from board president license dentist / alan felsenfeld and harmed Patient/Plaintiff violated section code 1600 . See F087504 brief filed in 5th district court Pg 96

Due to no active supervision,repeated negligent acts; Incompetence, extreme departure from applicable professional standards, acts of dishonesty and anticompetitive activity harm consumers, patients and members of the public, MBC and its Division of Licensing (DOL) failed to regulate licensure of physicians and the Division of Medical Quality (DMQ) failed to investigate, oversee, enforce and adopt disciplinary decisions in violation of Business and Professions Code section 2227 is liable for all the causes of action including causes of action barred by Judge hillman on ground 2 such as (1) Medical malpractice/negligence(2) Vicarious liability against MBC (FAC. at p. 164-166)(3) Professional negligence (4) Breach of fiduciary duty(5) Unreasonable restraint of trade (6) Anti-competitive law violations(7) Sherman Act antitrust violations (8) Unfair competition under Business and Professions Code section 17200 11) Conspiracy ((12) Defamation (13) Intentional infliction of emotional distress(14) Punitive damages15) Retaliation in violation of Labor Code section(17) Personal injury (FAC at pp. 202-230); (18) Fraud (19) Privacy right violation and twenty-one ,Section 1983 whistleblower laws, In particular,42 U.S.C. §1983, part of the Civil Rights Act of 1871: See F087504 brief filed in 5th district court Pg 95-96

Medical Board of California is a semi-autonomous occupational licensing agency within the state Department of Consumer Affairs (DCA). MBC consists of MAJORITY)of MBC's members California-licensed physicians violated the state bus and prof code 2004. Pursuant to Business and Professions Code section 109(a), MBC and Its members failed to make licensing and enforcement decisions on complaint of Patient Privacy right (California Privacy Rights Act of 2020), (CPRA), Patient confidentiality (Confidentiality of Medical Information Act (CMIA) and HIPAA breach(Health Insurance Portability and Accountability Act of 1996) and conspiring(conspiracy against united states) act of steven cantrell: See F087504 brief filed in 5th district court Pg 96,97

Because the state defendant employees of the government agencies conduct such as violating Patient Privacy right (California Privacy Rights Act of 2020), (CPRA), patient confidentiality (Confidentiality of Medical Information Act (CMIA) and HIPAA breach(Health Insurance Portability and Accountability Act of 1996) by conspiring(conspiracy against united states) and based on above violation initiate(hidden) proceeding under section 820 to obtain order for examination (without

jurisdiction on patient of ophthalmology/consumer public, based on inadmissible evidence obtained by violating patient confidentiality an act is outside the scope of defendant normal employment duties and in violation of medical practice act and dental practice act) are not immune, it follows that the state agencies Dental Board Of California, DOJ, Medical board of California, consumer board of California collectively known as ,State defendant themselves are also not immune.and liable for conduct by an employee beyond the scope of employment for which that employee,is not immune and in violation of Gov. Code.] § 815.2, subd. (b). See F087504 brief filed in 5th district court 97,98

Judge Hillman is in error, abuse authority and showed biased when established "The submission of information to the Dental Board, as a matter of law, did not implicate Plaintiff's license, ability to practice or cause Plaintiff any harm other than having to respond to the Section 820 Order, a condition of her license. (Id. at 1346-1348.)" (Pg 4 of Nov 14 23 ruling). and based on concealing facts including disregarding California Privacy Rights Act of 2020 (CPRA),Health Insurance Portability and Accountability Act of 1996 ,Defendant violated AMA Ethics code,Principle iv AMA Code.,Defendant violated Confidentiality of Medical Information Act (CMIA), fraud., Will Full Negligence,,Breach Of fiduciary Duty, caused unreasonable restraint on trade, Conspiracy 18 USC S1512K, \$15212(C)(2),18 USC S241, Defamation, Intentional infliction of emotional distress,, Retaliation, breach of contract, Personal injury, violation of constitution, See F087504 brief filed in 5th district court Pg 72

VERIFICATION:

I am Petitioner Samreen Riaz in this case. I have read the above declaration filed with the opening Petition and know its contents. The facts alleged in the Declaration are within my own knowledge, and I know these facts to be true. I declare under penalty of perjury that the foregoing is true and correct and that This verification was executed on the 31st day of July

2025 in Visalia, California. 

Samreen Riaz: Dated:

8 21 25

Conclusion

Plaintiff prayer for relief: Court should Direct the lower court to

Reverse the Supreme court of California error, abuse discretion and order striking Petition (S289777), Review on March 28 25 for not resolving jurisdiction conflict arising and in violation of the Fourteenth Amendment's due process protections.

Reverse the 5th district court opinion on appeal in a case No: F0870504 which has Incorrect Date on Opinion When Opinion Not Issued on 12/2/24 and when opinion given on feb 3 25 as well as reverse invalid Remittitur on feb 3 25 as opinion never issued or served on on 12 2 24, in violation of 14th amendment amendments,due process.

Reverse the Tulare Superior Court showed error, bias and abused its discretion in the ruling on Dec 5 23 (record on appeal 4051-4062) , Nov 15 23 (record on appeal 3398-4003) and a ruling on August 22-23, Anti Slapp Motion(record on appeal 2774-2789)

Reverse the Dental Board of California, department of consumer affairs, state of California erroneous and abuse of discretion in Order Denying Order on reconsideration.

Compensate Ophthalmology patients under imminent domain (see **Boom Co. v. Patterson (1879)** when deprived of property or for economic injury?

Reverse the Dental Board of California, department of consumer affairs, state of California erroneous and abuse of discretion in Decision And Order(dated August 2nd 23) .

Reverse the Administrative judge abuse of discretion and erroneously Propose decision and Order (dated June 20th 2023) based on Accusations that were brought on Aug 17 22?(record on appeal 4122-4127,4128-4131)

Reverse the Dental Board of California, department of consumer affairs, state of California erroneous and abuse of discretion issued Order compelling mental and physical examination(bus and prof code S820) on 06/24/22 based on Petition to compelling mental and physical examination(bus and prof code S820) filed on 06/24/22 without serving copy of Petition to compelling mental and physical examination before obtaining order.(record on appeal 4258-4265)

Reverse the Dental Board of California, department of consumer affairs, state of California erroneous and abuse of discretion issued "Notice of revocation due to non compliance with the evaluation" on Oct 13 23 while pending WRIT OF MANDATE(1084-1097) ((ORDER -F086809) at the 5th District Court.(4064,4063,4068-4069)

.Vacate the Decision to pay attorney Fees \$1380 and Stay All the proceeding related to Anti Slapp Motion, Allow Attorney fees to Plaintiff from Defendant Cantrell for bringing frivolous Motion \$2500. Vacate Aug 22 23 ruling based on demurrer(Res Judicata, Statute Limitation) as well as on frivolous Anti Slapp Motion.

The Court should Direct the Dental Board Of California,Department of Consumer Affair, and Administrative Court to reverse all the erroneous and abuse of discretion rulings.Reinforce Petitioner/ophthalmology patient, consumer member of public Dental License.

.Compel Discovery from defendant.

.Disqualify judge hillman.

.Compensate (see **Boom Co. v. Patterson (1879)**-Eminent domain)Petitioner/ophthalmology patient, consumer member of the public for her loss or deprivation of money or property or for economic injury (**Kwikset Corp. v. Superior Court (2011)** 51 Cal.4th 310, 322.).

. Provide injunctive relief to Petitioner and compel the Dental Board Of California,Department of Consumer Affair, and Administrative Court and DOJ department to investigate and press charges to Complainant and co conspirator based on crime associated with conspiracy, Privacy right violation, hipaa violation and retaliation toward Petitioner/member of public/consumer/p

.Grant certiorari to review Case No. S291238 in light of unresolved constitutional and jurisdictional violations and Declare invalid the closure of Case No. S289777 and Restore access to state-level petition review, recognizing the petitioner's intent to pursue full appellate relief—not merely certiorari and recognized that in case No. S289777 reconsideration and amended writ were timely filed but judicial review was obstructed. Confirm that clerk-issued rulings lacking judicial signatures do not meet review standards and cannot substitute merit-based adjudication and was unconstitutional where they substitute judicial Restore appellate access and merit review under due process and equal protection guarantees. Apply equitable tolling and estoppel when necessary due to administrative interference. Provide all further relief deemed just and proper.

Samuel
8 21 25 *Henry*